DEC 1 2 1985

REPORT BY THE

Comptroller General

OF THE UNITED STATES

COMPLETED

The Foreign Fishing Observer Program: Management Improvements Needed

The Magnuson Fishery Conservation and Management Act, as amended, authorized the placement of U.S. observers on foreign fishing vessels permitted in the U.S. Fishery Conservation Zone. Observers are to collect various types of biological data and monitor foreigners' compliance with U.S. fishery laws and regulations. The costs of the observer program are paid for by the foreign fishers.

GAO found that limited funds at the beginning of some fiscal years have affected the extent of observer coverage until sufficient revenues are collected from foreign fishers. In addition, GAO found that while the estimated cost billing and collection system followed by the Fisheries Service has been reasonable under the circumstances, it has been cumbersome to administer and has resulted in substantial over and under billings.

GAO also presents information on (1) health and safety standards for foreign fishing vessels and the need for sanctions against inadequate vessels, (2) use of observer-generated data, (3) observer training, and (4) use of contract observers.

GAO also makes several recommendations to improve the management of the program.

GAO/RCED-85-110
AUGUST 12, 1985

Request for copies of GAO reports should be sent to:

U.S. General Accounting Office
Document Handling and Information
Services Facility
P.O. Box 6015
Gaithersburg, Md. 20877

Telephone (202) 275-6241

The first five copies of individual reports are free of charge. Additional copies of bound audit reports are $3.25 each. Additional copies of unbound report (i.e., letter reports) and most other publications are $1.00 each. There will be a 25% discount on all orders for 100 or more copies mailed to a single address. Sales orders must be prepaid on a cash, check, or money order basis. Check should be made out to the "Superintendent of Documents".

COMPTROLLER GENERAL OF THE UNITED STATES
WASHINGTON D.C. 20548

B-215901

The Honorable John B. Breaux, Chairman
The Honorable Don Young, Ranking
Minority Member
Subcommittee on Fisheries, Wildlife
Conservation, and the Environment
Committee on Merchant Marine and
Fisheries
House of Representatives

Pursuant to your July 1, 1983, request and subsequent discussions with your office, this is our report on the National Oceanic and Atmospheric Administration's (NOAA's) administration of the Foreign Fishing Observer Program. It summarizes the results of our work and offers recommendations for improving the management and operation of the program.

As arranged with your office, we plan no further distribution of the report until 10 days from the date of the report. At that time we will send copies to the appropriate House and Senate Committees; the Secretary of Commerce; the Administrator, NOAA; the Assistant Administrator, National Marine Fisheries Service; the Director, Office of Management and Budget; other appropriate heads of departments and agencies; and interested parties we have identified.

Charles A. Bowsher
Comptroller General
of the United States

I

BLANK PAGE

II

COMPTROLLER GENERAL'S
REPORT

THE FOREIGN FISHING OBSERVER PROGRAM: MANAGEMENT IMPROVEMENTS NEEDED

D I G E S T

The Magnuson Fishery Conservation and Management Act (Public Law 94-265, April 13, 1976), as amended, was intended to improve the management of our nation's fishery resources, including the oversight and control of foreign fishing operations off the coast of the United States. The federal government in conjunction with state and local authorities sets limits on the type and amount of fish foreigners can take from U.S. waters.

To help control foreign fishing activity, the act authorized the placement of observers on foreign vessels fishing within 200 nautical miles of the U.S. coast to monitor foreign fishers' compliance with U.S. fishery laws and regulations and to collect biological data. The biological data collected by observers helps to set limits on the type and amount that can be caught and is also used for fisheries research. The Foreign Fishing Observer Program, as it is called, is managed by the National Oceanic and Atmospheric Administration's National Marine Fisheries Service. The costs of the observer program are paid by the foreign vessel owners and operators. Moneys collected from foreigners are deposited in a fund which finances the program.

The Chairman and the Ranking Minority Member, Subcommittee on Fisheries, Wildlife Conservation, and the Environment, House Committee on Merchant Marine and Fisheries, asked GAO to review the following aspects of the Foreign Fishing Observer Program:

--The process followed by the Fisheries Service to develop program costs for budgeting and billing purposes.

--The issue of health and safety conditions on foreign fishing vessels.

--The use of observer-generated information.

--The observer training program.

--The use of contract observers in the Northwest and Alaska program.

NEED FOR WORKING CAPITAL AND IMPLEMENTATION OF A BILLING SYSTEM BASED ON ACTUAL COSTS

The American Fisheries Promotion Act of 1980 amended the Magnuson Act by establishing a revolving fund for the observer program but did not provide initial working capital. To provide funds for the program, the Fisheries Service has followed an advance estimated billing process based on the anticipated level of foreign fishing, planned level of observer coverage, and established cost factors.

While foreign fishers are billed in advance for estimated costs, the Fisheries Service has been restricted from pursuing its planned level of observer coverage at the start of some fiscal years, until sufficient funds have been collected and become available for obligation. According to the Fisheries Service, earlier billing of foreigners is not the solution because the earlier bills are prepared the more speculative they would be due to limited information on the level of foreign fishing.

In addition, while GAO believes that the Fisheries Service's methods and procedures to forecast foreign fishing, develop estimated bills, account for actual costs, and reconcile estimated bills with actual costs have been reasonable given the need to issue advance estimated bills, they have been cumbersome to administer, have resulted in notable over and under billings, and have generated inquiries from foreign fishing interests about their bills and program costs. The Fisheries Service has considered providing working captial for the observer program fund to address this problem but no action has been taken to do so, largely because of budget considerations. Observer program managers indicated that the amount of working capital needed could range from $3 million to $7 million. (See pp. 6. 7, and 8.)

GAO believes that with a sufficient amount of working capital, the Fisheries Service could

pursue its planned program level and implement a billing system based on actual costs.

NEED FOR HEALTH AND SAFETY STANDARDS TO JUDGE ADEQUACY OF FOREIGN FISHING VESSELS

While the number of instances of unsafe and unhealthful conditions on foreign fishing vessels have been few, according to the Fisheries Service, observers have occasionally been placed on substandard vessels.

The Secretary of Commerce is authorized to not place or to remove an observer from a vessel judged to be unfit, but Commerce has no standards for assessing the general seaworthiness of and health conditions on foreign fishing vessels. The Fisheries Service has for some time recognized the need for standards to judge the safety and health conditions to help better assure that observers are only placed on adequate vessels. It has been developing general guidelines which it expects to complete in late fiscal year 1985. However, it views this effort as an interim measure that will lead to the development of more comprehensive standards.

If the Fisheries Service declines to place or removes an observer from a vessel because of unsafe or unhealthful conditions, the vessel can continue to fish without being observed and without penalty or restriction. The Fisheries Service has recognized that by not placing observers on unsafe or unhealthful vessels and not having the authority to impose sanctions, the foreign fishers may see these circumstances as an incentive to maintain poor conditions to avoid being observed. In February 1985 the Secretary of Commerce submitted a draft bill to the Congress including a proposal to amend the Magnuson Act to provide authority to impose sanctions against inadequate or unsafe foreign fishing vessels and issue regulations setting forth the circumstances for imposing sanctions. The House Committee on Merchant Marine and Fisheries has been considering the feasibility and implications of the proposal. (See pp. 14 and 17.)

GAO believes that sanctions should be established for foreign fishing vessels considered

inadequate for the placement of an observer and that the Fisheries Service should establish criteria for judging the adequacy of foreign fishing vessels. (See pp. 14 and 17.)

OBSERVER INFORMATION VALUABLE TO USER GROUPS

In discussions with Fisheries Service managers, researchers, and enforcement personnel; U.S. Coast Guard personnel; and members of Fishery Management Councils (federally supported organizations given regional responsibility for fishery management), they stated that observers have performed useful data gathering services on board foreign fishing vessels for both the biological and compliance monitoring objectives of the program. Biological data users in the Fisheries Service and the Fishery Management Councils considered it valuable information many times not available from other sources. Information obtained by observers on foreigners' compliance with fishing laws and regulations was also considered valuable by the Fisheries Service and the U.S. Coast Guard enforcement personnel. However, some information GAO obtained from U.S. Coast Guard personnel indicated that the Fisheries Service may benefit from a survey of their user groups to assure that all information needs are being met. U.S. Coast Guard personnel in the 13th and 17th Districts indicated that certain compliance related information from observers provided to Fisheries Service enforcement personnel was not being distributed to Coast Guard personnel in these districts. (See pp. 18, 19, and 20.)

NEED FOR A UNIFORM OBSERVER TRAINING PROGRAM

The Fisheries Service provides all observers with training designed to familiarize them with the purpose and objectives of the observer program, the observer's duties, and the environment on foreign vessels. Field program managers administer the training and are responsible for its content.

Observers and Fisheries Service and U.S. Coast Guard personnel GAO interviewed commented favorably about observer training. However, they also offered suggestions for enhancing or adjusting certain aspects of the training curriculum, such as the need for more time spent on species identification and forms used to record information.

Information GAO obtained from observers through a questionnaire also suggested the need for adjustments to the training curriculum, including the need for greater emphasis on the compliance monitoring objective of the observer program in the Northwest and Alaska regions. The observers surveyed believed more time and emphasis could have been placed on fishing laws and documenting suspected violations. In GAO's opinion these adjustments could be made by adopting a standard training curriculum and instructional procedures for those elements of biological data gathering and compliance monitoring that the Fisheries Service believes should be presented consistently to all observers. (See pp. 21, 22, and 23.)

USE OF CONTRACT OBSERVERS IN THE NORTHWEST AND ALASKA REGIONAL OBSERVER PROGRAM

According to the Fisheries Service it has been using contract observers in the Northwest and Alaska regional program rather than federal employees largely because agency personnel ceilings would not permit hiring enough federal employees. However, the extent of supervision and direction desired by the Fisheries Service and given to the contract observers has created what is tantamount to an employer-employee relationship. The general policy governing this relationship is that purely personnel services for the government are to be performed by federal employees under government supervision. The Fisheries Service agreed with GAO's concerns and has established a working group to study this issue and recommend an appropriate course of action. (See pp. 24, 25, 26, and 27.)

RECOMMENDATION TO THE CONGRESS

To better assure that observers are placed only on foreign vessels that are safe and sanitary, GAO recommends that the Congress authorize sanctions against unsafe or unsanitary foreign fishing vessels. (See p. 17.)

RECOMMENDATIONS TO THE SECRETARY OF COMMERCE

GAO recommends that the Secretary of Commerce improve program implementation and management by requesting legislative authority to provide working capital for the observer fund that will enable the Fisheries Service to pursue full coverage from the beginning of each fiscal year. (See p. 13.)

RECOMMENDATION TO THE ADMINISTRATOR OF NOAA

If the Congress provides the Fisheries Service with working capital for its fund, GAO recommends that the NOAA Administrator improve program administration by terminating the estimated billing system and implement a system based on actual costs. (See p. 13.)

GAO also recommends that the NOAA Administrator establish a time frame for the Fisheries Service to develop appropriate standards to help assure prompt development of health and safety standards for assessing conditions on foreign fishing vessels. (See p. 17.)

AGENCY COMMENTS

GAO did not request the Department of Commerce to review and comment officially on a draft of the report. The views of directly responsible officials were sought during the course of the work and are incorporated in the report where appropriate.

C O N T E N T S

CHAPTER		Page
DIGEST		i
1	INTRODUCTION	1
	Magnuson Fishery Conservation and Management Act authorizes a Foreign Fishing Observer Program	1
	The Supplementary Observer Program	2
	Objectives, scope, and methodology	4
2	NEED FOR WORKING CAPITAL AND BILLING SYSTEM BASED ON ACTUAL COSTS	6
	Planned observer coverage affected by insufficient fund balance	6
	Developing program cost estimates for budgeting and billing purposes	8
	Cost factors and procedures to assemble and account for program costs	10
	NOAA General Counsel interpretations given on cost-related issues	10
	Estimated bills generate inquiries from foreign fishing interests	11
	Conclusions	12
	Recommendation to the Secretary of Commerce	13
	Recommendations to the Administrator of NOAA	13
3	NEED FOR HEALTH AND SAFETY STANDARDS FOR FOREIGN FISHING VESSELS	14
	Instances of danger to observers' health and safety	14
	Fisheries Service concerns about observer health and safety	16
	Conclusions	17
	Recommendation to the Congress	17
	Recommendation to the Administrator of NOAA	17

		Page
4	VALUE OF BIOLOGICAL AND ENFORCEMENT INFORMATION GATHERED BY OBSERVERS	18
	User comments support observer-generated information	18
	Conclusions	20
5	OBSERVER TRAINING CAN BE IMPROVED	21
	Comments on observer training	21
	Conclusions	22
6	USE OF CONTRACT OBSERVERS IN THE NORTHWEST AND ALASKA REGIONAL PROGRAM	24
	Magnuson Act established an expanded observer effort	24
	Consideration of staffing options for full coverage	25
	Conclusions	26
APPENDIX		
I	Summary of responses to GAO questionnaire distributed to foreign fishing observers	28
II	Summary questionnaire (all observers)	32
III	Summary questionnaire (east coast observers)	43
IV	Summary questionnaire (west coast observers)	54

ABBREVIATIONS

FFOP	Foreign Fishing Observer Program
FOBOC	Foreign Billing Observer Cost System
GAO	General Accounting Office
NMFS	National Marine Fisheries Service
NOAA	National Oceanic and Atmospheric Administration
OSU	Oregon State University
RFPs	request for proposals
UW	University of Washington

CHAPTER 1

INTRODUCTION

On July 1, 1983, the Chairman and Ranking Minority Member of the Subcommittee on Fisheries, Wildlife Conservation, and the Environment, House Committee on Merchant Marine and Fisheries, requested us to examine the Department of Commerce's National Oceanic and Atmospheric Administration's (NOAA's) National Marine Fisheries Service's (NMFS's) administration of the Foreign Fishing Observer Program. Specifically, they asked us to examine several aspects of the program. They were

--the process followed by the Fisheries Service to develop program costs for budgeting and billing purposes,

--the use and value of data gathered by observers,

--the issue of health and safety conditions on foreign fishing vessels,

--the observer training effort, and

--the use of contract observers in the Northwest and Alaska region program.

This report provides the results of our work and offers recommendations for improving the management and operations of the program.

MAGNUSON FISHERY CONSERVATION AND MANAGEMENT ACT AUTHORIZES A FOREIGN FISHING OBSERVER PROGRAM

The Magnuson Fishery Conservation and Management Act (Public Law 94-265, April 13, 1976) authorized, among other actions, the placement of U.S. observers on foreign fishing vessels to collect various types of biological data and specimens and monitor foreign vessels' compliance with U.S. fishing laws, regulations, and procedures.[1] The act stated that "duly authorized observers be permitted on board any such vessel and that the United States be reimbursed for the costs of such observers."

As the original act was not specific on the extent of observer coverage, the Congress amended the act on two occasions

---

[1]Under the Magnuson Act the federal government in conjunction with state and local authorities sets limits on the type and amount of fish foreigners can take from U.S. waters.

to clarify its intent that a full coverage program be pursued by the Secretary of Commerce, mainly because the Congress believes that observers deter violations.

The first amendment to clarify the act was contained in the American Fisheries Promotion Act of 1980 (Public Law 96-561, Dec. 22, 1980) and stated that,

> ". . . the Secretary shall establish a program under which a United States observer will be stationed aboard each foreign fishing vessel while that vessel is engaged in fishing within the fishery conservation zone."

The amendment, however, allowed exceptions for fishing vessels that transfer their catch to other vessels on which observers are placed; for ships fishing in the conservation zone for brief periods, for inadequate or unsafe conditions on a vessel; and if an observer is not available for reasons beyond the control of the Secretary.

This amendment also established a special revolving fund in the Treasury for the observer program. Collections for the program would be deposited in the fund, and all payments made by the Secretary of Commerce for the program would be paid from the fund, but limited to amounts approved in appropriation acts. The amendment became effective on October 1, 1981, but the administration did not request a sufficient program level in the budget process to place observers on every foreign fishing vessel in either fiscal 1982 or 1983.

The supplementary observer program

On January 12, 1983, Public Law 97-453 was passed, authorizing a supplementary observer program as of January 1, 1984. Under this program private contractors, approved by the Department of Commerce, would supply supplementary observers on those foreign fishing vessels that could not be observed under the original observer program. Under the supplementary program observers would be paid directly by foreign fishers. To implement the supplementary program, the Magnuson Act required the Secretary of Commerce to

- --certify as supplementary observers only those individuals who are citizens or nationals of the United States, and who have the requisite education or experience to carry out the duties of an observer;

- --establish standards of conduct for supplementary observers equivalent to those applicable to federal personnel;

- --establish a reasonable schedule of fees that certified supplementary observers or their agents must be paid by

the owners and operators of foreign fishing vessels for observer services; and

--monitor the performance of supplementary observers to ensure that it meets the purposes of the Magnuson Act.

NOAA's fiscal year 1984 budget requested, and the Congress approved, a $12 million program level that permitted 100 percent coverage under the original observer program so that the supplementary observer program was not used.

However, in its fiscal 1985 budget request, the administration only asked for a $4.5 million program level. According to the Fisheries Service it could realize a budget savings of $7.4 million by implementing a supplementary observer program for fiscal year 1985. In testimony, on February 28, 1984, before the Subcommittee on Fisheries, Wildlife Conservation, and the Environment, the Assistant Administrator for the Fisheries Service said that

> ". . . This proposed reduction is possible because of an amendment to the Magnuson Act enacted by the 97th Congress. That legislation requires that in cases where NMFS is unable to provide its own observers, a foreign vessel must obtain a private observer certified by the Department of Commerce. In effect, foreign nations will directly contract for services. We expect no decrease in coverage as a result of this change. Although this program is financed totally through fees collected from foreign vessel owners operating within the U.S. Fisheries Conservation Zone (FCZ), disbursements from the fund can only be made to the extent and in amounts provided by appropriation acts."

The budget saving identified by the Fisheries Service, however, is not a true savings as federal funds are not used for this program. Likewise, a request for a full coverage program level estimated to be $12 million would not increase federal expenditures as collections from foreign fishers cover observer program costs. Furthermore, a request for a full coverage program would avoid the need to implement a supplementary observer program and its associated administrative tasks.

The $4.5 million approved for the fiscal year 1985 basic observer program has required the Fisheries Service to implement a supplementary observer program during the fiscal year. On February 28, 1985, regulations for a supplementary observer program were placed in the Federal Register. Subsequently, the Fisheries Service began to implement the program in the Northwest and Alaska region through its existing contracts with the University of Washington and Oregon State University.

OBJECTIVES, SCOPE, AND METHODOLOGY

Our objectives were to review some of the fundamental management and operational aspects of the Foreign Fishing Observer Program (FFOP) that interested the Chairman and the Ranking Minority Member of the Subcommittee, including the process to develop program costs for budgeting and billing, use of observer data, use of contract observers, observer training, and health and safety conditions for U.S. observers.

We reviewed the Magnuson Fishery Conservation and Management Act of 1976, as amended, program description material, management and operational procedures and practices, program cost and statistical data, and various related information about the program and its development. We interviewed Fisheries Service and NOAA officials and managers, as well as officials from other federal agencies involved with the program.

To assess the process to develop program costs, we reviewed the procedures used to develop cost estimates for the program budget and the procedures followed by the Fisheries Service to develop and account for the bills issued to the foreign fishing interests and collect funds for the program.

To review the issue of health and safety conditions on foreign fishing vessels, we examined Fisheries Service documentation of problems on foreign vessels and the status of its efforts to develop health and safety criteria and obtain authority to sanction fishing vessels with inadequate conditions.

To obtain views on the use and value of observer information, we interviewed Fisheries Service management, research, and enforcement personnel from the Northeast, Northwest, and Alaska regions. Interviews were also conducted with U.S. Coast Guard personnel from the 3rd, 13th, and 17th Coast Guard Districts. Officials from four fishery management councils[2] were also interviewed to obtain their views on observer-generated information. Those persons interviewed were identified to us as knowledgeable spokespersons from their respective organizations and familiar with the observer information.

---

[2]The Magnuson Act (section 302) authorized the establishment of eight regional fishery management councils with the responsibility to develop fishery management plans for their respective jurisdictional areas. One of the most significant functions of each council has been to determine what the optimum harvest can be for the different types of fish in their area. Data from the observer program helps the councils to make these determinations.

We reviewed observer training by observing training classes and examining course materials. To obtain the views on observer training, we also interviewed Fisheries Service, observer program managers, and the training officers from the Northwest and Alaska Fisheries Center, and the Northeast region where observer training is conducted. Fisheries Service enforcement personnel within the Northwest and Alaska regions, and U.S Coast Guard personnel from the 13th and 17th Districts, Intelligence and Law Enforcement Branches were also interviewed to obtain their views on observer training. Interviews were conducted with eight observers from the Northwest and Alaska regional program and additional information on observer training was obtained through our questionnaire administered to observers, which contained several questions on the training they received.

To review the use of contract observers on the west coast and its conformity with personnel regulations and procedures, we examined contract documents and related Fisheries Service material on their use.

To provide further insight into the program, we developed and had the Fisheries Service distribute a questionnaire to all observers (179) from the Northeast, Northwest, and Alaska programs ending their tour of duty on a foreign vessel during the third quarter of fiscal year 1984. We received responses from 158 observers. A summary of the results is contained in appendix I. Appendixes II, III, and IV are summary questionnaires.

The audit work on this assignment was done between September 1983 and August 1984. Additional information was subsequently obtained during the writing of this report. We performed our review work at the National Marine Fisheries Service's headquarters in Washington, D.C., and at various Service locations in the Northeast, Northwest, and Alaska Regional areas, where more than 99 percent of all observers are deployed.

Our work was done in accordance with generally accepted government auditing standards. Views of directly responsible officials were sought during the course of our work and are incorporated where appropriate. At the Subcommittee's request, we did not ask NOAA to review and comment officially on a draft of this report.

CHAPTER 2

NEED FOR WORKING CAPITAL AND A BILLING SYSTEM BASED ON ACTUAL COSTS

The American Fisheries Promotion Act of 1980 established a special revolving fund for the observer program. However, working capital to initially capitalize the fund was not provided. Because the fund was not capitalized in this way, the Fisheries Service has not been able to consistently implement the planned level of observer coverage at the beginning of some fiscal years until sufficient observer fees have been collected from foreign fishers and are available for obligation.

To obtain funds for the program, the Fisheries Service has developed and followed an advance estimated billing process to collect observer fees from the foreign fishers. While this process has been systematic and reasonable under existing circumstances, it has been cumbersome to administer because of the bill estimating and reconciliation process and has resulted in notable over and under billings. The process has generated inquiries from foreign fishers about their estimated bills and program costs and has required the Fisheries Service to prepare explanations of its billing process and procedures. The preparation of explanations has become an added administrative work load for the Fisheries Service.

Information we obtained indicated that the problems associated with the limited working capital and estimated bills could be resolved if the Fisheries Service had a sufficient working capital to initiate each year's program activity at the planned level and billed foreign fishers for actual rather than estimated costs. Also, the Service could simplify its administrative work load by preparing a comprehensive information package to answer foreign fishers' questions about program costs and their bills.

PLANNED OBSERVER COVERAGE AFFECTED BY INSUFFICIENT FUND BALANCE

According to Fisheries Service management, the Service has not been able to consistently achieve the planned level of observer coverage because there has not been enough money in the Foreign Fishing Observer Fund when some fiscal years begin.[1]

---

[1]The Magnuson Act states that all payments made from the observer fund shall be paid only to the extent and in amounts provided for in advance in appropriation acts. According to the Fisheries Service, the billings sent to foreign fishing interests are also limited to amounts established in advance in appropriation acts.

The unobligated cash balance in the fund carried forward from the preceding fiscal year has sometimes forced the program to operate at reduced levels, because collections from the first quarter billings do not begin to show up as receipts to the fund until the end of the first quarter or beginning of the second quarter of each fiscal year. The Chief, Enforcement Division, informed us that the Service has periodically considered suspending the observer program because there was insufficient cash in the fund to obligate for the program.

The following table shows the cash balance carryover from the preceding fiscal year, the planned program levels, and the collections recorded in the fund during the first two quarters of fiscal years 1983, 1984, and 1985.

Fiscal year	Fund balance beginning FY	First quarter planned obligations	First quarter collections	Second quarter planned obligations	Second quarter collections
1983	$ 588,797	$2,437,944	$ 336,049	$ 90,740	$2,047,932
1984	1,694,303	1,164,985	1,054,125	1,663,243	3,202,328
1985	268,168	2,290,874	2,510,153	2,369,514	1,670,883

The table shows that in fiscal year 1983, the carryover balance in the observer fund from fiscal year 1982 was $588,797. The Fisheries Service needed about $2.5 million to carry out its planned observer program. Most collections from the first quarter's advance estimated billings were not received until the second quarter of the fiscal year. As a result, less than $1 million was available for obligation during the first quarter. The lack of cash limited the Service to less than half the program level they had planned to implement in the first quarter of fiscal 1983. According to observer program coverage statistics during the first quarter of fiscal year 1983, coverage averaged only 16 percent while the planned level of coverage for the quarter was 40 percent. For fiscal year 1984 which was the first year a full coverage program was planned, the carryover balance from fiscal year 1983 was sufficient to cover planned obligations for the first quarter of fiscal year 1984. However, by the end of the quarter, the program achieved only 40 percent. According to the Fisheries Service, this coverage shortfall was not due to lack of cash in the fund but rather unanticipated administrative delays in finalizing contracts with suppliers of observers for the Northwest and Alaska regional program. As a result the average coverage for the quarter was significantly affected. The fiscal year 1983 situation was repeated in fiscal year 1985 when less than $270,000 was available in the fund, while the planned level of coverage would have cost $2.3 million. The Fisheries Service advised GAO that average coverage for the first quarter of the year was only 64 percent.

To address this cash flow problem, observer program managers have considered possible solutions, including (1) billing further in advance for the first quarter to assure that sufficient cash is in the fund when the fiscal year begins, (2) billing further in advance under an annual estimated billing system, (3) obtaining sufficient working capital in advance to cover any estimated cash shortfall that may occur before funds from foreign fishers are received and available for obligation, and (4) obtaining sufficient working capital for the fund in advance that would permit the elimination of an estimated billing and implement a system based on actual costs.

Earlier estimated billings, whether for the first quarter or for an annual billing, were not considered by program managers to be satisfactory solutions because the bills would be more speculative resulting in a greater variation from actual program costs and would likely generate complaints from foreign fishers. Observer program managers believed that an annual estimated advance billing would require some foreign fishers to pay substantial funds well in advance of actual fishing and could create financial burdens on them. In this regard, the program managers believed that obtaining a sufficient amount of working capital would be a practical solution, and if enough working capital were obtained, they could eliminate the advance estimated billing system and follow a post billing system based on actual costs. According to observer program managers, the amount of working capital needed could range from $3 million to $7 million and would be based on the Service's estimate of the level of foreign fishing, the planned observer coverage, and the time frame to receive funds from foreign fishers. The amount requested would also depend on whether the decision to obtain working capital would be to handle the short fall in the first quarter and retain the advance estimated billing system, or obtain sufficient capital to implement an actual cost billing system.

In this regard, the Chief of the Service's Enforcement Division told us that program management has considered seeking authority to provide working capital for the Foreign Fishing Observer Fund, but no official action has been taken to request such authority largely because of higher management concerns to contain the size of the agency's budget.

DEVELOPING PROGRAM COST ESTIMATES FOR BUDGETING AND BILLING PURPOSES

Fisheries Service estimates of observer program costs for budget purposes depends on limited information on the level of foreign fishing that may occur in the budget year. Essentially, the Fisheries Service reviews the current data on the level of foreign fishing and prior years' data. According to the Fisheries Service when budget preparation begins, the decisions to allocate fish to the foreign countries have not been made and

the foreign fishers have not developed their plans for fishing in the U.S. conservation zone in the budget year. The Fisheries Service has recognized the limitations in this information and considers its estimates for a full coverage program educated guesses.

Before the beginning of each fiscal year, usually in July and August, the Fisheries Service collects additional information to help estimate the number of observers that will be needed. The Fisheries Service headquarters and field program management use this information to help predict the number of foreign fishing vessels that will enter the U.S. fishery conservation zone in the upcoming fiscal year. This information includes

--available information from the foreign fishing country on what they believe the level of fishing will be;

--past and current foreign level of fishing, i.e., number of vessels and duration of fishing;

--past and current participation in joint ventures with U.S. fishermen; and

--past and current allocations of fish that can be harvested by the foreign countries.

With the most current information available, the Fisheries Service establishes program requirements estimates in terms of the number of observers that will be needed for the various fisheries. The Service then generates cost estimates using established cost factors and calculation methods and estimates quarterly billings for each country by fishery. These estimated bills are sent to the foreign fishers through their respective governments and are expected to be paid promptly according to established payment mechanisms.

The Fisheries Service has established two methods for collecting observer fees from the foreign governments--a letter-of-credit established at a U.S. bank or a cash payment. The Fisheries Service prefers the letter-of-credit because funds are available to them sooner, but it has accommodated the foreign countries that prefer to pay their observer bills in cash. According to the Fisheries Service, the letter-of-credit arrangement usually takes about 45 days from the day the bill is issued to the point were deposits are received in the fund and are available for obligation. The direct cash (check) payment arrangement can take as long as 180 days before the check clears and the amounts deposited in the fund can be obligated.

At the conclusion of the fiscal year, each country's actual costs are reconciled with payments made on estimated billings and overpayments are credited to the next year's fishing activity. Underpayments are added to the next advance bill.

The Fisheries Service has acknowledged that its advance billing process is cumbersome and time consuming to operate and results in bills that are based on the Service's best guesses of what the level of foreign fishing will be. As a result, both over and under billings have occurred. For example, in fiscal year 1983, the Japanese were overbilled $1.1 million, while the Soviet Union was underbilled $167,600. Denmark was billed even though its fishing interests subsequently decided not to fish in the conservation zone. During this particular year the estimated billings ranged from 100 percent over to 78 percent under the actual expenses incurred by the program. In fiscal year 1984 estimated bills versus actual again varied considerably. As examples, the German Democratic Republic was billed $25,400 while actual costs were $109,900. Japan was billed $3.9 million and actual cost were $2.4 million.

COST FACTORS AND PROCEDURES TO ASSEMBLE AND ACCOUNT FOR PROGRAM COSTS

According to Fisheries Service management responsible for the billing system, the procedures used to develop and account for costs have remained relatively consistent since the observer program began. The specific costs chargeable to the observer program include program management, observer recruiting and training, and actual deployment of the observers to the foreign fishing vessels. These costs have been categorized into direct labor costs and benefits, travel and transportation, contract services and supplies, general program, and indirect costs.

To assist Fisheries Service management in accumulating and accounting for observer program costs, the Foreign Billing and Observer Cost System (FOBOC) was developed to receive and assemble in a standard entry format the level of detailed cost information needed to ensure that all costs incurred by the U.S. government in administering the observer program are recovered. Cost information put into the system are categorized either as trip costs or general costs. Trip costs are directly attributable to a specific observer trip; whereas, general costs are incurred in connection with all observer trips. General costs include overhead costs, general and administrative expenses, or contractor profit and are proportionately distributed to the foreign fishers.

NOAA General Counsel interpretations given on cost-related issues

Either as a result of questions from foreign fishing interests or because of Fisheries Service management concerns about observer program costs, NOAA's General Counsel has periodically interpreted whether the Magnuson Act permits certain costs to be charged to the program. In its interpretations the General Counsel has reiterated its basic position that the observer

program fee was intended to recover only costs associated with placing and maintaining an observer aboard a foreign fishing vessel. In this regard its legal interpretations have provided that

--the amounts charged to foreign fishing interests cover such items as observer salaries, training and supervision of observers, and travel and transportation to and from vessels and

--the observer program fees are limited in scope and not intended to include general administrative costs that can be associated with other provisions of the Magnuson Act.

Among the kinds of cost questions forwarded to NOAA's General Counsel for legal interpretation have been the costs of stationing more than one observer on a vessel, the costs of information management and analysis, the costs to send an observer to testify in court, and the costs of renovating facilities and equipment.

For example, the General Counsel was asked whether costs of managing and analyzing data gathered by observers under the basic observer program could be passed on to foreigners through observer program fees. It was decided that since the costs associated with managing and analyzing observer data are not associated with "placing and maintaining" observers, these costs are not properly included under the observer program, but were, however, recoverable from another section of the act. Regarding costs of renovating facilities and associated utility costs, it was decided that such costs were chargeable under the program because the facilities were considered essential to the preparation and deployment of observers. On the issue of stationing more than one observer on a foreign fishing vessel, it was concluded that there is nothing to prevent placing more than one observer on a particular foreign vessel where it was judged necessary and appropriate to do so.

In our view the General Counsel's legal interpretations on observer program cost issues have reflected reasonable interpretations of the intent of the Congress for the costs recoverable under the observer program. According to Fisheries Service management, these interpretations and others have helped to assure that costs charged to foreigners for observer fees are in keeping with the intent of the Congress.

ESTIMATED BILLS GENERATE INQUIRIES FROM FOREIGN FISHING INTERESTS

According to the Fisheries Service, observer fee estimated bills have become a source of periodic telephone and written inquiries from foreign fishers who request explanations from the Service about the process, procedures, and factors used to develop their bills. While these inquiries have become an added

administrative work load for the Service, the Service believes that it has routinely responded with appropriate answers and explanations of its billing process and procedures, and that its responses to the foreign fishers have been satisfactorily received.

We reviewed observer program files containing inquiries from foreign fishing interests and the responses the Fisheries Service provided. Our review revealed that these inquiries ranged from specific questions about particular bills to concerns requiring explanations of major aspects of the bill development process followed by the Fisheries Service.

As an example, the Japan Fisheries Association, representing a portion of the Japanese fishing industry, asked the Fisheries Service a number of questions requiring detailed explanations of billing procedures, cost factors, and calculation methods. Among the questions asked were

1. How was the anticipated amount of observer coverage determined?

2. How is NOAA overhead calculated and allocated?

3. How many Fisheries Service support staff are associated with the observer program? What are their salaries? How are these costs allocated?

4. What functional activities are performed under the two contracts with the University of Washington and Oregon State University? How are these functions performed?

The Service provided this group with a comprehensive, informative package that responded to their questions and concerns. The response required over 90 pages of narrative and supporting documents.

CONCLUSIONS

The lack of working capital in the Foreign Fishing Observer Fund has periodically prevented the Fisheries Service from providing the planned level of observer coverage at the beginning of a fiscal year until sufficient advance payments have been collected and become available for obligation. The advance estimated billing process used by the Fisheries Service has been cumbersome to administer and has resulted in over and under billings to foreign governments. It has also generated inquiries from foreign fishing interests about the bills they have received and created an added administrative workload to respond to these inquiries.

Given the need to advance bill, the Fisheries Service has developed and followed a reasonable process and system to project estimated and account for actual program costs.

Inquiries from foreign fishing interests have been routinely responded to with detailed explanations, and NOAA's General Counsel, has over the term of the program, provided legal judgments on the appropriateness of the various costs included under the program.

We believe that the program could be managed more efficiently if working capital were provided to capitalize the observer fund, allowing an actual cost billing system. We believe that these actions would permit the Service to pursue the planned level of observer coverage from the beginning of each fiscal year and could simplify the administrative workload now associated with the estimated billing process. We also believe that inquiries from foreign fishers about bills would be reduced. We further believe that the amount of working capital needed should be determined by the Fisheries Service because of the uncertainties involved in this calculation which must be based on an estimate of the level of foreign fishing; its planned level of observer coverage, and the time elapsed between billing and collections.

The Service could also simplify its administrative workload associated with inquiries about bills and related topics if it prepared a comprehensive information package explaining the billing process and procedures that could be used to answer many of these inquiries.

RECOMMENDATION TO THE SECRETARY OF COMMERCE

We recommend that the Secretary of Commerce request legislative authority to provide sufficient working capital to capitalize the Foreign Fishing Observer Fund, to permit the Service to pursue a full coverage program from the beginning of each fiscal year and use a billing system based on actual costs.

RECOMMENDATIONS TO THE ADMINISTRATOR OF NOAA

If the observer fund is provided working capital, we recommend that the Administrator of NOAA implement a billing system based on actual cost. We also recommend that the Administrator develop an information package on the billing process and procedures that would be responsive to most of the questions raised by the foreign fishing interests about their observer fee bills and program costs.

CHAPTER 3

NEED FOR HEALTH AND SAFETY STANDARDS FOR FOREIGN FISHING VESSELS

While the Fisheries Service believes few foreign vessels have unsatisfactory safety and living conditions, observers have occasionally been placed on vessels that were unsafe and unsanitary. As of October 1, 1981, Section 201(i)(2) of the Magnuson Act, as amended, provided that the Secretary of Commerce may waive placement of an observer if the Secretary finds the foreign fishing vessel unsafe. NOAA has not, however, established standards or criteria to make these judgments. The National Marine Fisheries Service has for sometime recognized the need for health and safety standards and has been developing guidelines to help the observers judge such conditions on foreign vessels. These guidelines are expected to be completed in late fiscal year 1985.

In addition, the Magnuson Act does not provide for penalties for vessels judged to be unfit for the placement of an observer. In February 1985 the Secretary of Commerce submitted a draft bill to the Congress to amend the Magnuson Act to provide the Secretary of Commerce with authority to impose sanctions against inadequate or unsafe foreign fishing vessels and issue regulations setting forth the circumstances under which the Secretary shall impose or remove sanctions.

INSTANCES OF DANGER TO OBSERVERS' HEALTH AND SAFETY

The Fisheries Service informed us that while the number of instances of unsafe or unhealthful conditions on foreign fishing vessels have been few, several instances in recent years have illustrated the dangers of assigning observers to substandard foreign fishing vessels.

In October 1982 a trawler on which an observer was placed caught fire and was lost. Apparently, the foreign fishing vessel crew was not familiar with fire fighting or evacuation procedures and panicked. The observer's supervisor stated in a memorandum about the event that it was extremely fortunate that the observer did not lose his life or incur any serious injuries. The supervisor also stated that beyond the Fisheries Service's responsibility to adequately prepare observers to deal with those types of emergencies, the Service should address the question of safety standards for foreign fishing vessels.

In March 1983 the Assistant Observer Program Manager for the Northwest Region evaluated operating methods, living facilities, and work environments for observers on six foreign vessels. While on board one of the vessels, the Assistant

Manager confirmed the reports of other observers who had spent 2 to 3 weeks on the vessel. The following are some of the observations the manager made in a report on his inspection.

--Food storage, preparation, and service areas were filthy by any standards. Roaches, to be expected to some degree on large fishing vessels, were so numerous in the dining area that the manager spent as much time flicking them off the dinner table as he did attempting to eat his meal.

--Physical violence among the crew members appeared to be routine, with no obvious control forthcoming from the master or other ship's officers.

--Poor navigation practices were common. Requests from domestic vessels were frequently ignored or deliberately disregarded.

--Neither of the two lifeboats was operable, and one had a noticeable hole in its bottom. The single life raft was fixed permanently in place with wire so that the raft would not float free in an emergency.

--Most of the railings along the upper decks were in a severe state of degradation. Rust had eaten through most up-rights to the degree that if pressure from leaning were applied, the railing would break free.

--Bare electrical wires were in evidence, including within the observer's state room. Because these vessels operate with a 220 volt direct current system, the danger inherent under such circumstances is obvious.

More recently, in January 1984 a Northeast observer on a trawler requested transfer to another fishing vessel because of unsafe conditions. The observer reported that

--the vessel appeared loaded down, especially in the bow. When he boarded the vessel, the captain said that the crew was repairing a hole in the bow caused by storm waves;

--the vessel could not maneuver for 4 hours because its engine had to be shut down to repair a valve; and

--the vessel's radar did not work. When the vessel received a gale warning during a period of rain, snow, and poor visibility, the observer asked to be transferred to another vessel.

Fisheries Service concerns about observer health and safety

Fisheries Service managers have voiced their concerns over observer health and safety periodically. They have suggested developing standards for assessing foreign vessel safety and health conditions as well as obtaining authority to impose penalties against vessels not meeting minimum standards.

On April 7, 1983, the Director of the Northeast Fisheries Region wrote to the Assistant Administrator for Fisheries expressing his concerns over the unsatisfactory working conditions several observers had experienced, concluding it was neither prudent nor desirable to deploy observers to such a vessel. He also noted that other vessel operators may view the Fisheries Service refusal to deploy observers to such vessels as an incentive to provide poor living and working conditions to avoid having an observer on board. In a subsequent memorandum, the Northeast Regional Director recommended that U.S. Coast Guard safety and sanitation standards for U.S. vessels be applied to foreign fishing vessels and that foreign vessels not meeting such standards be denied access to the fisheries conservation zone.

In a memorandum, dated August 25, 1983, to Fisheries Service regional and center directors, the Deputy Assistant Administrator for Fisheries Resource Management and the Deputy Assistant Admnistrator for Science and Technology, stated that they had begun to draft health and safety standards applicable to foreign fishing vessels that could be used to determine which vessels would be exempt from observer coverage. The memorandum stated in part,

> ". . . We have concluded that devising health and safety standards applicable to the entire fleet would be difficult to devise and codify using existing in-house resources. The difficulty of the issue does not, however, diminish our legal and moral responsibility to ensure, to the degree possible, that observers are deployed to reasonably safe and healthy vessels. We have, therefore, decided to solicit bids from private firms to develop health and safety standards that can be used to determine which vessels will be exempt from observer coverage. . ."

Our inquiries about the status of Service efforts to develop standards to assess the safety and health conditions on foreign fishing vessels revealed that little progress had been made since the August 25, 1983 memorandum from the Deputy Assistant Administrators of the Fisheries Service stating that action would be taken. However, at the conclusion of our review, the Service's Enforcement Division advised us that it began the project with in-house resources and that it planned to have a check sheet for observers to use to help them judge the conditions on

vessels by summer 1985. This effort is essentially viewed by the Service as an interim measure that will lead to the development of a comprehensive set of standards. However, no timeframe has been established to accomplish this task.

To address the issue of imposing penalties against foreign fishing vessels that would not meet minimum standards, NOAA's General Counsel examined the Magnuson Act and concluded that authority to impose penalties or restrictions against foreign fishing vessels does not exist. On February 25, 1985, the Secretary of Commerce sent the Congress a legislative proposal to authorize the Secretary of Commerce to sanction foreign fishing vessels for unsafe conditions. Under the proposal the Secretary could suspend a vessel's permit to fish in the fishery conservation zone until the inadequate or unsafe condition was remedied. The House Committee on Merchant Marine and Fisheries has been considering the feasibility and implications of the proposal.

CONCLUSIONS

While the number of health or safety problems for observers on foreign fishing vessels has fortunately been few, the inherent dangers on ocean fishing vessels warrant measures to better assure that observers are placed only on vessels that are safe and sanitary. We believe that the Fisheries Service could be more aggressive in preparing health and safety standards. The Fisheries Service's current efforts to prepare a check-sheet for observers to use is an important building block toward developing comprehensive standards that can be used to impose sanctions. We believe that NOAA should ensure that comprehensive health and safety standards are developed promptly.

Because vessels judged to be inadequate for placement of an observer are not penalized or restricted in any way from continued fishing in the conservation zone, we support the position to sanction foreign fishing vessels judged inadequate for the placement of an observer.

RECOMMENDATION TO THE CONGRESS

We recommend that the Congress amend the Magnuson Act to authorize sanctions against inadequate foreign fishing vessels.

RECOMMENDATION TO THE ADMINISTRATOR OF NOAA

We recommend that the Administrator of NOAA establish a time frame for the National Marine Fisheries Service to develop appropriate criteria to judge the adequacy of safety and health conditions on foreign fishing vessels that want to fish in the U.S. fishery conservation zone and provide the basis for imposing sanctions against such vessels for inadequate safety or health conditions.

CHAPTER 4

VALUE OF BIOLOGICAL AND ENFORCEMENT INFORMATION GATHERED BY OBSERVERS

The purpose of the observer program is to (1) help contribute to the better management and conservation of U.S. fishery resources by collecting various types of biological information and specimens and (2) monitor foreign vessels' compliance with U.S. fishing laws and regulations under which they were granted permission to fish in the U.S. fishery conservation zone.

Fisheries Service management, research, and enforcement personnel; U.S. Coast Guard;[1] and Fishery Management Council personnel we interviewed reported that there is overall satisfaction with and confidence in the data and information observers gather. Information we obtained from our questionnaire also indicated that observers themselves believed that the biological and compliance related information obtained through the program was valuable to user groups. Information obtained from the Fisheries Service's Fisheries Development Division, Northwest region indicated that biological data gathered by observers not currently provided to the Division may be of value to its staff. Information obtained from Coast Guard personnel in the 13th and 17th Coast Guard districts indicated that certain compliance-related information from observers is not received by Coast Guard personnel in these locations.

USER COMMENTS SUPPORT OBSERVER-GENERATED INFORMATION

Users of the observer data that we interviewed indicated general satisfaction with the data and information. The principal message obtained from Fisheries Service management and research personnel was that the biological data gathered by observers was valuable, reliable, timely, and in many cases unavailable from other sources. Information we received from Coast Guard officials in the 13th and 17th districts indicated that certain compliance-related information was not being received.

Our discussions with Fisheries Service managers and fisheries biologists and personnel from Fishery Management Councils pointed out that the data are considered valuable and

---

[1]The National Marine Fisheries Service and the U.S. Coast Guard have joint responsibility for fishery enforcement. Observer compliance-related information assists both groups in how and where enforcement resources are used.

reliable for their various analyses and studies. For example, a fisheries biologist from the Northwest and Alaska Fisheries Center said that he viewed observer-generated information to be the best source of data on the North Pacific fisheries and considered their data vital. The observer program task leader for the Northwest and Alaska Fisheries Center also pointed out that much of the data gathered by observers are not available from Fisheries Service research surveys or other work done by the Service. The Deputy Director of the North Pacific Fishery Management Council said that if observer data were not available for the Bering Sea and Aleutian fishery, there would be substantially less confidence in their fishery projections and there would be a lot of disagreement among the fishery biologists and domestic and foreign fishermen about the status of the fishery.

According to the Fisheries Service's Chief, Fisheries Development Division, Northwest region, the Division has not been involved with the observer program primarily because the Division essentially provided marketing and distribution information to the fishing industry. The Chief, however, indicated that there may be biological data gathered by observers not received by the Division that could be of value to the fisheries development staff.

Regarding the compliance monitoring role of observers, several Fisheries Service enforcement and Coast Guard officials provided their views on the information received from observers on foreign fishing activity. While Service enforcement personnel we interviewed were generally satisfied with observers' compliance-related information, Coast Guard personnel believed that the value of observer information could be enhanced by more training and through more experienced observers. For example, the Chief and Assistant Chief of the Coast Guard Intelligence and Law Enforcement Branch, 13th District, said that observer training should place more emphasis on the compliance monitoring objective of the program. The Chief also said that he believed many of the Northwest and Alaska program observers do not fully focus on their compliance monitoring role and do not actively look for potential violations, and as a result this has affected the extent and quality of information enforcement personnel receive from the observers. The Assistant Chief pointed out that he believed that more training and emphasis on compliance was the logical answer to enhance the value of observers' compliance-related information to enforcement efforts.

The 13th District Branch Chief said that he believed a cadre of more experienced observers could provide better compliance information to enforcement personnel. The Chief of the 17th District's Intelligence and Law Enforcement Branch said that he believed one of the most important factors determining an observer's effectiveness for his/her compliance monitoring role seems to be experience.

These Coast Guard officials in the 13th and 17th Districts also pointed out that better dissemination of information from observers' oral reports to Fisheries Service personnel is needed. For example, 13th District officials told us that they do not receive information from the Fisheries Service on the oral reports made by observers at the completion of their tours on foreign vessels. Officials from the 17th District said that they do not receive observer written statements on suspected violations but did receive Fisheries Service summaries of the information provided by the observers.

CONCLUSIONS

Our inquiries of the usefulness of the various types of biological and compliance-related information gathered by foreign fishery observers indicates that the program has been meeting its information-gathering objectives. The various user groups support the observer program and consider the data gathered by observers as valuable and credible information that in many instances is unavailable from any other sources. Officials from the 13th Coast Guard district indicated that they were not receiving information from oral debriefing of observers that they believed would be useful in carrying out their enforcement activities. Officials from the 17th Coast Guard District indicated that they were not receiving copies of observers' written statements of suspected violations. These officials pointed out that better dissemination of this information was needed.

CHAPTER 5

OBSERVER TRAINING CAN BE IMPROVED

The Fisheries Service provides all observers with 2-1/2 weeks of training designed to familiarize them with the purpose and objectives of the observer program, the observer's role, responsibilities and duties, and the operating environment on foreign fishing vessels. Observer program managers in the Northeast, Northwest, and Alaska regions of the Fisheries Service administer the training and are responsible for its content.

Fisheries Service personnel, observers, and U.S. Coast Guard personnel we interviewed who were familiar with the program commented favorably on the observer training. They offered, however, suggestions for enhancing or adjusting certain aspects of the training curriculum. Information we obtained from our questionnaire also suggested the need for adjustments to the training curriculum, including the need to place greater emphasis on the compliance monitoring objective of the observer program.

COMMENTS ON OBSERVER TRAINING

Overall, the observers and Fisheries Service and U.S. Coast Guard personnel we interviewed were positive about the training, but some improvements were suggested.

The contract observers we interviewed were generally satisfied with the training they received. They believed that they were properly prepared for their experience on a foreign fishing vessel. Their suggestions for improving the training curriculum related to increases in the time spent on certain elements of the course, such as species identification and Fisheries Service forms used to record information.

Fisheries Service and Coast Guard personnel expressed general satisfaction with the observer training and believed that efforts had been made in recent years in the Northwest and Alaska regions to spend more time on the compliance aspects of the observer function. They also said that the recently developed observer compliance manual was an excellent reference guide for observers to use in training and while on board the fishing vessels.

The observer program manager said that since 1980 additional training time has been spent on the compliance aspects of the program, including the development and use of a compliance manual and the use of both Fisheries Service Enforcement and U.S. Coast Guard personnel to assist in the compliance segments of each training class.

Observer training personnel who conduct the training believed that they had developed a sound training program that covered all of the important aspects of the observer function at the Northwest and Alaska Fisheries Center. They did, however, express some concerns about accommodating the numbers of observers needed for full coverage of the foreign fishing fleets and that the degree of close interaction between them and observers will be diminished without some increase in the resources devoted to their training effort.

During an observer training class conducted in the Northeast region during January 1984, 10 participants, who previously worked as contract observers in the Northwest and Alaska regional program, related to the class some of their experiences as observers, including the training and instructions they received from the Northwest and Alaska Fisheries Center. Some of the former contract observers pointed out that biological data gathering was emphasized over the compliance monitoring side of the observer function.

To supplement these views on observers' training, we included questions in our questionnaire administered to observers which were related to the usefulness and content of training they received. The questionnaire results reflected that the majority (60 percent) of the observers responding believed that observer training they received was useful to a great or very great extent in preparing them for the day-to-day duties as a U.S. observer on a foreign fishing vessel. The responses also reflected observer views on where greater or less emphasis was needed in the training curriculum. For example, about 32 percent believed that more emphasis could have been placed on species identification, and about 25 percent of the observers surveyed believed more time and emphasis could have been placed on fishing laws and regulations and documenting suspected violations. Other areas where observers believed more emphasis could be placed were survival training and foreign culture. Appendix I through IV provide additional information on observers' perspectives on the training they received.

A 1981 internal evaluation of the observer program conducted by the Service Office of Policy and Planning concluded that the Service would benefit from a national training module because of the differences in emphasis provided by the regional program managers especially regarding the primary observer program objectives of biological data gathering and compliance monitoring. While the Service considered the recommendation appropriate, no action was taken to implement it.

CONCLUSIONS

The overall opinions we obtained from Fisheries Service, Coast Guard personnel, and observers on observer training appear to be positive and reflect that the training is effectively preparing observers for their tours on foreign vessels.

Fisheries Service and Coast Guard personnel believed observer training has been improving because of more attention being given to compliance, including the development of a compliance manual for observers.

Information from observers responding to our questionnaire indicated that most observers believed that the training they received was useful to a great or very great extent in preparing them for their duties as observers. Observers responding to our questionnaire also provided their views on where greater or less emphasis was needed, such as the need for more time spent on species identification, fishery laws and regulations, and documenting suspected violations.

CHAPTER 6

USE OF CONTRACT OBSERVERS IN THE NORTHWEST AND ALASKA REGIONAL PROGRAM

The Fisheries Service has used contract observers in its Northwest and Alaska regions since the Magnuson Act became effective in 1977, because agency personnel ceilings would not permit use of federal employees. The nature and extent of Service supervision and direction of contract observers--under the original program and now under the supplementary program--in the Northwest and Alaska regions has established what is tantamount to an employer-employee relationship. The creation of such a relationship is not authorized except in accordance with civil service laws and procedures.

MAGNUSON ACT ESTABLISHED AN EXPANDED OBSERVER EFFORT

When the Magnuson Act took effect in fiscal year 1977, a special international agreement with the Japanese Government had existed since 1973 permitting U.S. personnel on selected Japanese fishing vessels to observe fishing techniques and gather biological data. The Service's Northwest and Alaska Fisheries Center administered this agreement, and at first full-time federal employees were used as observers. Later, temporary employees were used. However, usually after one or two trips these employees resigned and the Civil Service Commission register of qualified applicants was exhausted.

To help solve the problem of not being able to obtain enough candidates from the civil service register, Service officials decided that observers be obtained by contract. The University of Washington (UW) was first approached about a contract to provide observers in 1975 as the Fisheries Service had a successful working relationship with their School of Fisheries and believed that UW could provide well qualified observer candidates to meet the terms of the agreement. UW accepted the offer and has been providing observers since then.

With the implementation of the Magnuson Act in 1977, the Service recognized the need for additional observer personnel and had to decide on its staffing arrangement for the new program. In view of the successful contract arrangement with UW, the Service decided to expand this arrangement and seek other contractors to meet its observer needs. A contract with Oregon State University (OSU) was subsequently awarded in 1978. Like UW, OSU has provided the Service with observer candidates since that time. Also in fiscal year 1983, Frank Orth and Associates, Inc., a private natural resources consulting firm, was awarded a contract to provide several observers.

Until 1980, sole-source type procurement procedures were used in contracting for observers. Since 1980, requests for proposals (RFPs) have been solicited from a number of prospective offerors. For fiscal year 1984 an RFP was sent to 57 prospective offers. Only three offers were received, and the procurement was negotiated competitively with UW and OSU who submitted the best and final offers.

Consideration of staffing options for full coverage

With passage of the American Fisheries Promotion Act in 1980, which amended the Magnuson Act and required a full coverage observer program, the Fisheries Service began to assess staffing options to achieve the increased coverage. Three staffing options were considered. The first option was to hire either permanent or temporary federal employees. The Service believed that observers could be hired as temporary employees because of the largely seasonal nature of the work. However, given the pressure to reduce the size of the federal work force, Service officials believed that there was not reasonable expectation of being granted the needed personnel ceiling to have a full coverage program with federal employees.

The second option the Service considered was to use contract employees for the Northwest and Alaska regions through a contract with UW and OSU. The Service saw three problems with this approach. They were:

--OMB Circular A-76, Performance of Commercial Activities, required that a contract for such services be awarded through soliciting competitive bids, and that it was required to develop an in-house cost estimate to compete with qualified contractors.

--An employer-employee relationship may not be created between the government and individual employees unless it is created in accordance with civil service laws.

--If the observer program were considered an inherently governmental function, it should not be contracted.

The third option was to contract through state governments. Little consideration was given to this option because of the limited control the Service would have through state governments. The Service considered direct control a critical element to program success.

After considering these options, the Service decided to continue and expand its contract arrangements to handle the significantly greater work load in the Northwest and Alaska regions and have federal employee observers handle the smaller work load in the Northeast region. The Service believed that given its estimated staffing requirements, the historical

precedent for contract observers on the west coast, and unlikely success in obtaining a sufficient personnel ceiling, the contract observer alternative was considered the practical solution.

Our inquiries also revealed that the Service has done little to examine the cost differences of staff alternatives and has not explored personnel ceiling adjustments or exemptions in view of the special nature of the program.

On December 17, 1984, our Office of General Counsel formally requested the Service to respond to a draft position paper it developed on the legal aspects of the Service's use of contract observers in the Northwest and Alaska regional program and its planned use of contract observers under a supplementary observer program as indicated in its proposed regulations. The paper points out that the general rule governing this relationship is that purely personnel services for the government are to be performed by federal employees under government supervision. In this regard, the rule is one of policy rather than positive law, and exceptions to the general rule have been recognized when it is administratively determined that it would be substantially more economical, feasible, or necessary by reason of unusual circumstances to have the work performed by nongovernment parties. The conclusion reached in the position paper is that the Fisheries Service has improperly contracted for observer services in the Northwest and Alaska regions since the contracts have created a relationship between the government and the contractor personnel which is tantamount to that of employer-employee. In addition, the paper similarly concluded that the Fisheries Service should not enter into a contract under the supplementary observer program which results in the Service directly supervising supplementary observers. The Fisheries Service subsequently implemented the supplementary observer program through its existing contracts for the original program and as a result observers are being provided the same degree of supervision and control. On May 22, 1985, the Fisheries Service advised our Office of General Counsel that the issues raised in the position paper have merit, and that a working group has been formed to study the matter and recommend an appropriate course of action.

CONCLUSIONS

Despite the rationale followed by the Fisheries Service in staffing the observer program in the Northwest and Alaska regions with contract observers, we believe that the contractual arrangements between the Service and the contractors result in the Service directly supervising observers as they carry out their duties and responsibilities. Accordingly, we believe that the contractual arrangement between the Service and contractors has created what is tantamount to an employer-employee relationship between the government and the contract observers. Such an

arrangement conflicts with federal policies concerning the use of federal and contractor personnel.

The Service's May 22, 1985, response to our position paper on the use of contract observers reflects its agreement with our concerns, and a working group has been set up to study the matter.

SUMMARY OF RESPONSES TO GAO QUESTIONNAIRE DISTRIBUTED TO FOREIGN FISHING OBSERVERS

As part of our review, we developed and had the Fisheries Service distribute a questionnaire to all observers who ended a tour of duty on a foreign vessel and reported back to Fisheries Service personnel in the Northwest and Alaska Fisheries Center, and in the Northeast Region, during the period March 15, 1984, through June 30, 1984. The overall response rate was high, with 88.3 percent of the observers returning the questionnaires. Of the 158 completed responses, 135 were from observers serving on the west coast and 23 were east coast observers.

The following narrative and summary material provides a general profile of the responses we received. Also included in this appendix are summary questionnaires. The first questionnaire combines responses of west coast and east coast observers. The second and third questionnaires provide their responses separately.

All of the east coast observer tours were 14 - 30 days, while the west coast tours were generally longer. The average west coast tour was between 30 and 60 days. These observers had been detailed to E. German, W. German, Dutch, Japanese, Korean, Soviet, Taiwanese, Italian, Polish, and Spanish vessels. The following chart shows the distribution of observers responding to the questionnaire by the country of the vessel they served on. Sixty-two percent of the vessels fished in the Bering Sea and Aleutians, 13.9 percent in the Gulf of Alaska, and 10.1 percent in the NW Atlantic.

Country	Percent of respondents
Japan	44.3
Korea	25.3
USSR	11.4
E. Germany	3.2
Spain	2.5
Taiwan	1.9
Italy	1.9
Poland	1.9
W. Germany	.6
Netherlands	.6

How observers spend their time

The following chart shows how observers allocated their time to assigned tasks aboard ship, broken down for total east coast and west coast respondents. In this situation several notable differences between east coast and west coast

respondents were reflected. These differences concern two of the observer's primary duties--collection of data and compliance monitoring. West coast observers tended to place much greater emphasis on biological data collection than on compliance monitoring, with just the opposite holding for the east coast observers. East coast respondents spent 13.7 percent of their time on biological data collection activities. West coast respondents reported spending 34.3 percent of their time on biological data collection and 4.5 percent of their time on enforcement/compliance activities. The remaining items are roughly the same for respondents from both coasts.

	Percent of time spent on activity		
	Total	East Coast	West Coast
Collection of biological data	31.6	13.7	34.2
Enforcement/compliance	7.0	22.9	4.5
Record keeping	16.3	19.4	15.8
Special projects	5.9	6.7	5.9
Own research	2.1	5.3	1.8
Recreation	36.6	34.4	36.9
Other	5.8	1.4	6.2

Regarding the relative importance of collecting biological data and identifying violations, east coast and west coast observers differed in their views, as shown below. The east coast respondents tended to place much greater importance on the identification of violations than west coast respondents (95.7 percent to 48.9 percent). West coast respondents attached much greater importance to data collection activities than east coast respondents (89.6 percent to 43.3 percent).

	Percent responding very great or great importance	
Activity	East Coast	West Coast
Data collection	43.4	89.6
Identification of violations	95.7	48.9

East coast respondents also tended to believe that the program was more effective identifying fishing violations than west coast observers. Of the east coast respondents, 91.3 percent believed that the program was very or generally effective, while 69.6 percent of the west coast observers responded this way. Overall, however, 72.8 percent of all the observers responding to our survey believed that the program was very or generally effective in identifying violations.

Health and safety

In general, observers responding to the survey believed that the vessels they were on were seaworthy and the captains and crews competent. (93.7 percent stated that the vessels were very or generally seaworthy. Less than 5 percent of the respondents rated their captains, crews, and masters as poor.)

Only 1.9 percent of the surveyed observers attempted to contact the Fisheries Service concerning unacceptable health or safety conditions on their vessels. In general, respondents believed that living conditions on their vessels were adequate. However, for several there were a number of dissatisfied individuals. The following reflects the responses provided by the observers.

--Galley facilities--7.7 percent said that they were generally or very inadequate. Of these 12 respondents, 9 were detailed to Korean vessels.

--Eating facilities--12 percent said that they were generally or very inadequate. Of these 19 respondents, 10 were detailed to Korean vessels, 4 to Soviet vessels, 3 to Japanese vessels, and 2 to Taiwanese vessels.

--Food--14.6 percent said that the food was somewhat less than or less than adequate. Of these 23 respondents, 12 were detailed to Korean vessels, 5 to Soviet vessels, 3 to Japanese vessels, 2 to Taiwanese vessels, and 1 to an E. German vessel.

--Toilet facilities--10.1 percent said that they were generally or very inadequate. Of these 15 respondents, 4 were detailed to Korean vessels, 4 to Japanese vessels, 5 to Soviet vessels, and 1 to a Taiwanese vessel.

--Bathing facilities--15.2 percent said that they were generally or very inadequate. Of these 23 respondents, 13 were detailed to Korean vessels, 8 to Soviet vessels, and 1 to a Japanese and E. German vessel, respectively.

Observer training

The responses on the training areas indicate that the surveyed observers believed the training topics listed in question 36 were covered, but there were some variations about whether the correct amount of emphasis was given to each topic. The areas where some of the most noticeable variations occurred are listed below.

--Laws/Regulations
27.0% said that too little emphasis.
12.8% said that too much.
56.7% said that about right.

--Survival
20.3% said that this topic was not covered.
37.5% said that it was given too little emphasis.

--Radio/telex
26.1% said that this topic was given too little emphasis.
70.3% said that the emphasis was about right.
.7% said that it was given too much emphasis.

--Documenting violations
26.1% said that this topic was given too little emphasis.
66.2% said that the emphasis was about right.
6.3% said that it was given too much emphasis.

--Foreign Culture
25.9% said that this topic was not covered.
41.3% said that it was given too little emphasis.
1.0% said that it was given too much emphasis.

--Life on Vessel
16.4% said that this topic was given too little emphasis.

--Interpersonal Relations
18.9% said that this topic was given too little emphasis.

Fishing violations

Though about one-third of the responding observers recorded potential violations in their field diaries, few required or resulted in U.S. Coast Guard boardings or actions against vessels. Of the surveyed observers, 49.2 percent discussed at least one suspected violation with their captain or fishing master. Sixty-four point six percent of the respondents indicated that captains or fishing masters always took corrective action after suspected violations were discussed. However, 11.4 percent stated that corrective actions were seldom taken.

APPENDIX II

U.S. GENERAL ACCOUNTING OFFICE
SURVEY OF U.S. OBSERVERS IN THE
FOREIGN FISHING VESSEL OBSERVER PROGRAM

ALL OBSERVERS
N=158

The U.S. General Accounting Office (GAO) is the independent agency of the Congress responsible for evaluating Federal programs. At the request of the Subcommittee on Fisheries, Wildlife, Conservation and the Environment, we are conducting a review of the Foreign Fishing Vessel Observer Program (FFVOP). The results of our review will be reported to the Congress.

An important part of our review involves obtaining information about the views and experiences of U.S. Observers. We are asking all Observers going through debriefing during the period March through May 1984 to complete this questionnaire.

There is no need for you to sign or put your name on the questionnaire. Responses will be reported in summary form. We will make no attempt to identify individual responses. Your response is confidential and will be seen only by GAO staff. National Marine Fisheries Service (NMFS) staff will not see your individual responses.

Please complete the questionnaire before leaving the debriefing, seal it in the envelope attached, and deposit it in the box labled GAO OBSERVER SURVEY.

If you have any questions or comments concerning the survey you can call Tom Slomba, on FTS - 275-3578 or 275-8764, or collect on (202) 275-3578 or 275-8764.

Thank you for your help.

ABBREVIATIONS

NMFS - National Marine Fisheries Service

USCG - United States Coast Guard

LAST TOUR

1. On your last tour as an observer, were you a Federal employee or an employee of a contractor? (Check one.) (6)

   1. 15.2 Federal employee

   2. 84.8 Contractor employee -> Specify

      Contractor_____

2. How long was your last tour? (Check one.) (7)

   1. 6.3 Less than 14 days

   2. 36.1 14 to 30 days

   3. 39.9 31 to 60 days

   4. 12.7 61 to 90 days

   5. 5.1 Over 90 days

3. On how many different foreign fishing vessels did you perform observer duties during your last tour? (Enter number. If one enter 1.) (8)

   _____Number Vessels

4. How many transfers from one vessel to another at sea did you make during your last tour? (Enter number. If none, enter 0.) (9)

   221 Transfers--> If 0, SKIP TO 6.

5. How many of the transfers you made at sea during your last tour were made, in your opinion, under safe conditions? (Enter number. If none, enter 0) (10)

   214 Safe Transfers

Total number of transfers = 221
% Safe transfers = 97%
% Unsafe transfers - 3%

BEST COPY AVAILABLE

APPENDIX II

LAST DETAIL

NOTE--> If you performed observer duties on more than one foreign vessel during your last tour answer questions 6 to 31 for your last detail only. Last detail refers to the last vessel on which you performed observer duties.

6. How long was your last detail as an observer on a foreign fishing vessel? Last detail refers to the last vessel on which you performed observer duties. (Check one.) (11)

1. 10.8 Less than 14 days
2. 39.9 14 to 30 days
3. 34.2 31 to 60 days
4. 6.3 61 to 90 days
5. 2.5 Over 90 days

6.3 No response

7. What type of vessel were you on for your last detail? (Check one.)

1. 0 Surimi mother ship (12)
2. 0 Freezer mother ship
3. 42.4 Small/Medium trawler
4. 12.0 Large freezer trawler
5. 1.9 Large Surimi trawler
6. 7.0 Longliner
7. 24.1 Joint venture mother ship
8. 5.7 Other (Specify.)

7.0 No response

8. How long was the last vessel on which you performed observer duties? (Enter length in feet or meters.)

_____ Feet (13-16)

Mean = 74.1 Meters (17-20)

9. Was that vessel fishing as a joint venture, directed fishery, or both? (Check one.)

1. 24.7 Joint Venture (21)
2. 53.8 Directed Fishery
3. 10.8 Both

10.8 No response

10. On your last detail, what nation was the fishing vessel from? (Check one.)

1. 44.3 Japan (22)
2. 25.3 Korea
3. 11.4 USSR
4. 1.9 Taiwan
5. .6 West Germany
6. 1.9 Italy
7. 2.5 Spain
8. 0 Portugal
9. 1.9 Poland
10. 5.1 Other (Specify.)

5.1 No response

11. What geographic/fishery area was that vessel primarily fishing? (Check one.)

1. 0 Atlantic Billfish and Sharks (ABS) (23)
2. 62.0 Bering Sea and Aleutians (BSA)
3. 13.9 Gulf of Alaska
4. 10.1 Northwest Atlantic
5. 0 High Seas Salmon
6. .6 Seamount Groundfish
7. 1.9 Washington, Oregon, California (WOC)
8. 3.8 Other (Specify.)

7.6 No response

BEST COPY AVAILABLE

APPENDIX II

FISHING LAW VIOLATIONS

12. During your last detail (the last vessel on which you performed observer duties), did you attempt to contact NMFS or the USCG about potential fishing law violations? (Check one.)

1. 5.1 Yes (24)

2. 89.2 No ---> SKIP TO 18.
5.7 No response

13. On your last detail, about how many successful and unsuccessful attempts did you make to contact NMFS or USCG about potential fishing violations? (Enter number for each. If none, enter 0.)

12 Total Successful Attempts (25-26)

3 Total Unsuccessful Attempts (27-28)

--> IF ALL ATTEMPTS WERE SUCCESSFUL SKIP TO 15.

14. Which of the following factors contributed to your inability to make successful contact with NMFS or USCG? (Check all that apply.)

(29-34)

1. 0 Technical problems with your communication equipment (99.4 No response)

2. 0 Technical problems with NMFS or USCG communication equipment

3. 0 Weather

4. 0 Time of day

5. 0 Interference from ship captain or crew (99.4 No response)

6. 100 Other (Specify.) (98.1 No response)

_____

_____

15. Did any of your communications about potential fishing violations result in USCG boarding on your last detail? (Check one.)

1. 28.6 No -->SKIP TO 17. (35)

2. 71.4 Yes

16. When a USCG boarding occurred as a result of your communication about potential fishing violations, were there any instances when the USCG boarding party failed to consult with you about your observations of suspected violations? (Check one.)

1. 100 No (36)

2. 0 Yes --> Briefly explain the incident when you were not consulted.

17. Were any actions taken against the foreign vessel based upon communications you made while on board concerning fishing law violations? (Check one.)

1. 100 No (37)

2. 0 Yes

3. 0 Don't know

18. On your last detail did you record any potential violations in your Field Diary? (Check one.)

1. 33.5 Yes (38)

2. 57.6 No
8.9 No response

BEST COPY AVAILABLE

APPENDIX II

24. How adequate or inadequate was the condition of each of the following living facilities on board the last vessel you performed observer duties on in terms of sanitation and cleanliness? (Check one for each.)

Facilities	1. Very Adequate	2. Adequate Generally	3. Generally Inadequate	4. Very Inadequate	No response
1. Sleeping	62.7	31.0	1.3	0	5.1 (46)
2. Galley	55.1	32.3	6.3	1.3	5.1 (47)
3. Eating	55.7	27.2	10.1	1.9	5.1 (48)
4. Toilet	43.0	41.8	7.6	2.5	5.1 (49)
5. Bathing	40.5	39.2	10.1	5.1	5.1 (50)
6. Other (Spec.)	3.8	2.5	.6	3.2	89.9 (51)

25. Overall, how would you rate the quality of the food on your last detail? (Check one.)

1. 37.3 Much more than adequate (52)
2. 24.1 Somewhat more than adequate
3. 18.4 Adequate
4. 11.4 Somewhat less than adequate
5. 3.2 Much less than adequate
5.7

26. Did you have an adequate supply of sanitary drinking water during your last detail? (Check one.)

1. 82.3 Yes (53)
2. 12.7 No
5.1 No response

27. On your last detail, to what extent, if at all, did the captain, crew, or fishing master of the foreign vessel try to influence you by intimidation or other adverse actions? (Check one.)

1. 70.9 Not at all (54)
2. 15.2 Some extent
3. 5.1 Moderate extent
4. 1.9 Great extent
5. 1.9 Very great extent
5.1 No response

--> IF YOU CHECKED 2, 3, 4, or 5: BRIEFLY EXPLAIN HOW.

BEST COPY AVAILABLE

APPENDIX II

19. During your last detail, ..ow many times, if ever, did you discuss potential fishing violations with the captain and/or fishing master? (Check one.)

1. 44.3 None (39)
2. 39.2 1-3 times
3. 9.5 4-6 times
4. .6 7-10 times
5. .6 Over 10 times
   5.7 No response

20. How often, if ever, did the captain or fishing master take corrective actions after your discussion of a potential fishing violation? (Check one.)

1. 64.6 Always (40)
2. 15.2 Usually
3. 2.5 About half the time
4. 5.1 Sometimes
5. 11.4 Seldom, if ever
   1.3 No response

21. During your debriefing did you complete an Affidavit regarding any potential violation that occurred during your last detail? (Check one.)

1. 10.1 Yes (41)
2. 81.6 No
3. 1.9 Don't know
   6.3 No response

HEALTH AND SAFTY

22. Overall, how would you rate the seaworthiness of the vessel you were on during your last detail? (Check one.)

1. 63.3 Very seaworthy (42)
2. 30.4 Generally seaworthy
3. 0 Generally unseaworthy
4. 0 Very unseaworthy
5. 1.3 No basis to judge
   5.1 No response

23. Overall, how would you rate the competency of the captain, crew, and fishing master in handling and/or directing the operation of the vessel? (Check one for <u>each</u>.)

CAPTAIN

1. 57.0 Very good (43)
2. 25.9 Good
3. 8.2 Fair
4. 2.5 Poor
5. 0 Very poor
6. 1.3 No basis to judge
   5.1 No response

CREW

1. 51.3 Very good (44)
2. 31.6 Good
3. 9.5 Fair
4. .6 Poor
5. .6 Very poor
6. 1.3 No basis to judge

FISHING MASTER

1. 45.6 Very good (45)
2. 21.5 Good
3. 8.9 Fair
4. 1.3 Poor
5. .6 Very poor
6. 11.4 No basis to judge
   10.8 No response

BEST COPY AVAILABLE

APPENDIX II

28. On your last detail, did you ever attempt to contact NMFS or USCG about unacceptable health/safety conditions or your personal safety? (Check one.)

1. 1.9 Yes (55)

2. 93.0 No ---> SKIP TO 31.
5.1 No response

29. On your last detail about how many successful and unsuccessful attempts did you make to contact NMFS or USCG about unacceptable health/safety conditions or your personal safety? (Enter number for each. If none, enter 0.)

24 Total Successful Attempts (56-57)

0 Unsuccessful Attempts (58-59)

--> IF NO SUCCESSFUL ATTEMPTS MADE SKIP TO 31.

30. As a result of these contacts, which of the following actions, if any, were taken? (Check all applicable.) (60-63))

1. 1.2 You were removed from vessel

2. 0 Action taken against vessel (Specify.)

_____

_____

3. 0 Other (Specify.)

_____

4. 0 No action taken

31. On your last detail, about what percentage of a typical day (24 hrs.) aboard the foreign fishing vessel was spent in each of the following activities? (Enter percent for each. If none, enter 0. Your best estimates are sufficient. Your response should total 100.)

	Mean %	
Biological Data Collection	31.6 %	(64-65)
Enforcement/ Compliance	7.0 %	(66-67)
Record-keeping/ Daily Log	16.3 %	(68-69)
NMFS Special Project(s)	5.9 %	(70-71)
Your Own Research	2.1 %	(72-73)
Recreation/ Sleep/ Personal	36.6 %	(74-75)
Other	5.8 %	(76-77)

BEST COPY AVAILABLE

APPENDIX II

TRAINING PROGRAM

32. When did you attend your first observer training course? (Check one.)

1. 67.7 Within last 6 months (78)

2. 14.6 6 - 12 mos. ago

3. 7.6 13-24 mos. ago

4. 5.1 Over 2 yrs. ago

5.0 No response

33. How many people were in your first training course? (Check one.)

1. 8.2 less than 10 (79)

2. 19.0 11 to 25

3. 69.0 26 to 50

5. 2.6 more than 50

1.3 No response

34. Other than your first NMFS observer training course, have you taken any other NMFS training?-Include any update or refresher training.-(Check one.)

1. 20.9 Yes (80)

2. 77.8 No

1.3 No response

35. Did an experienced observer train you for some period of time on your first vessel detail? (Check one.)

1. 31.0 Yes (81)
DUP (1-4)

2. 67.7 No 2 (5)

1.3 No response

- CONTINUE ON NEXT PAGE -

BEST COPY AVAILABLE

APPENDIX II

36. Please indicate below whether or not the NMFS observer training you received (in class or on a vessel) covered each of the topics listed. If a topic was covered indicate whether you feel too much, too little, or the right amount of emphasis was placed on the topic. (Check one or two boxes for each.)

	Not Covered 1.	Covered 2.	No response	Too Much Emphasis 1.	About Right Emphasis 2.	Too Little Emphasis 3.	No response
1. Vessel safety	1.3	91.1	7.6	2.8	85.4	11.0	.7 (6-7)
2. Sampling and estimating catch size	.6	91.8	7.6	3.4	77.2	18.5	.7 (8-9)
3. Species identification	0	91.1	8.9	6.9	59.7	31.9	1.4 (10-11)
4. Species and composition sampling	0	91.8	8.2	2.8	82.8	13.7	.7 (12-13)
5. Prohibited species	0	91.8	8.2	4.1	87.7	6.8	1.4 (14-15)
6. Radio/telex communication procedures	5.1	87.3	7.6	.7	70.3	26.1	2.9 (16-17)
7. Product recovery rate determinations	5.7	84.8	9.5	2.2	60.4	34.3	3.0 (18-19)
8. Biological data record keeping	0	89.9	10.1	4.9	84.5	8.5	2.1 (20-21)
9. Documenting suspected violations	1.3	89.9	8.8	6.3	66.2	26.1	1.4 (22-23)
10. Coast Guard Boarding Procedures	2.5	88.6	8.8	7.9	84.3	6.4	1.4 (24-25)
11. Foreign Fishing Laws/Regulations	2.5	89.2	8.2	12.8	56.7	27.0	3.5 (26-27)
12. Survival training	20.3	70.9	8.8	1.8	57.1	37.5	3.6 (28-29)
13. Foreign Culture	25.9	65.8	8.2	1.0	54.8	41.3	2.9 (30-31)
14. Life aboard the vessel	3.8	88.6	7.6	2.9	76.4	16.4	4.3 (32-33)
15. Interpersonal relations with crew	8.9	83.5	7.6	6.1	72.0	18.9	3.1 (34-35)
16. Other (Specify)	7.6	6.3	86.1	20.0	0	80.0	0 (36-37)

BEST COPY AVAILABLE

APPENDIX II

37. Overall, how would you rate the usefulness of the observer training you have received to date in preparing to perform duties as an observer? (Check one.)

1. 17.7 Very great use (38)

2. 50.6 Great use

3. 26.6 Moderate use

4. 3.2 Some use

5. .6 Little or no use
1.3 No response

38. Consider your day-to-day duties as an observer on board the vessel. To what extent, if at all, has the observer training you have received and the background and experience you had before becoming an observer helped prepare you to perform your day-to-day observer duties? (Check one for each.)

OBSERVER TRAINING

1. 17.1 Very great extent (39)

2. 43.0 Great extent

3. 31.0 Moderate extent

4. 7.0 Some extent

5. .6 Little /no extent
1.3 No response

PREVIOUS BACKGROUND/EXPERIENCE

1. 16.5 Very great extent (40)

2. 38.0 Great extent

3. 27.2 Moderate extent

4. 11.4 Some extent

5. 5.7 Little /no extent
1.3 No response

39. Overall, how would you rate the importance of each of the following roles you play as an observer? (Check one for each.)

1. Collecting biological data for fishery management and research

1. 53.2 Very great importance (41)

2. 29.7 Great importance

3. 9.5 Moderate importance

4. 6.3 Some importance

5. 0 Little or no importance
1.3 No response

2. Identifying foreign fishing violations

1. 22.8 Very great importance (42)

2. 32.9 Great importance

3. 27.2 Moderate importance

4. 10.8 Some importance

5. 4.4 Little or no importance
1.9 No response

40. Briefly explain your answer to question 39.

BEST COPY AVAILABLE

APPENDIX II

41. Overall, how would you rate the quality of the biological data that are collected through the observer program? (Check one.)

1. 28.5 Very good (43)
2. 50.6 Good
3. 14.6 Fair
4. 1.9 Poor
5. .6 Very poor

3.8 No response

42. In your opinion, how effective or ineffective is the observer program in detecting foreign fishing violations? (Check one.)

1. 19.0 Very effective (44)
2. 53.8 Generally effective
3. 20.9 Can't say
4. 3.8 Generally ineffective
5. .6 Very ineffective

1.9 No response

43. In your opinion, what portion of the fishing violations observed by U.S. observers are actually reported by the observers? (Check one.)

1. 24.1 All or almost all (45)
2. 50.0 Most
3. 14.6 About half
4. 5.1 Some (40% - 20%)
5. 1.3 Few (Less than 20%)

5.1 No response

44. Will you be making another tour as a U.S. observer? (Check one.)

1. 27.8 Definitely yes (46)
2. 34.2 Probably yes
3. 25.9 Uncertain
4. 7.6 Probably no
5. 1.3 Definitely no

3.2 No response

45. Would you recommend the observer job to a qualified friend? (Check one.)

1. 50.0 Definitely yes (47)
2. 34.2 Probably yes
3. 9.5 Uncertain
4. 1.9 Probably no
5. 2.5 Definitely no

1.9 No response

46. Including this last tour of duty as an observer, how many tours have you had as an observer on a foreign fishing vessel? (Enter number.)

Mean = 2.6

_____Tours (48-49)

47. About how many years experience do you have in the commercial fishing industry (fishing vessel owner, operator or crew or cannery experience)? (Check one.)

1. 64.6 None (50)
2. 14.6 Less than 2 years
3. 14.6 Between 2 and 5 years
4. 4.4 Over 5 years

1.9 No response

48. Other than your observer experience, do you have any fishery, biology or related science research experience in the following sectors? (Check one for each.)

	YES 1.	NO 2.	
1. Federal government	43.0	44.3	(51) 12.7
2. State government	43.7	39.2	(52) 17.1
3. Private industry	26.6	50.0	(53) 23.4
4. Private non-profit	24.1	48.1	(54) 27.8
5. Other (Specify.)	21.5	20.9	(55) 57.6

_____

BEST COPY AVAILABLE

APPENDIX II

49. Do you have any college level training in fishery biology, or related science? (Check one.)

1. 7.0 No (56)

2. 88.6 Yes ---> Please provide your educational background below.

4.4 No response

Degree	Date	Field
_____	_____ _____	_____
_____	_____	_____
_____	_____	_____

COMMENTS

50. If you encountered any problems during your last tour that have not been covered in this questionnaire please describe them below. If you were detailed on more than one vessel during your last tour, please feel free to discuss any of your experiences here.

21% commented

51. If you have any additional comments about the observer program, especially concerning aspects of the program you feel should be changed, please enter them below.

52.5% commented

APPENDIX III

U.S. GENERAL ACCOUNTING OFFICE
SURVEY OF U.S. OBSERVERS IN THE
FOREIGN FISHING VESSEL OBSERVER PROGRAM

EAST COAST OBSERVERS
N=23

The U.S. General Accounting Office (GAO) is the independant agency of the Congress responsible for evaluating Federal programs. At the request of the Subcommittee on Fisheries, Wildlife, Conservation and the Environment, we are conducting a review of the Foreign Fishing Vessel Observer Program (FFVOP). The results of our review will be reported to the Congress.

An important part of our review involves obtaining information about the views and experiences of U.S. Observers. We are asking all Observers going through debriefing during the period March through May 1984 to complete this questionnaire.

There is no need for you to sign or put your name on the questionnaire. Responses will be reported in summary form. We will make no attempt to identify individual responses. Your response is confidential and will be seen only by GAO staff. National Marine Fisheries Service (NMFS) staff will not see your individual responses.

Please complete the questionnaire before leaving the debriefing, seal it in the envelope attached, and deposit it in the box labled GAO OBSERVER SURVEY.

If you have any questions or comments concerning the survey you can call Tom Slomba, on FTS - 275-3578 or 275-8764, or collect on (202) 275-3578 or 275-8764.

Thank you for your help.

ABBREVIATIONS

NMFS - National Marine Fisheries Service

USCG - United States Coast Guard

LAST TOUR

1. On your last tour as an observer, were you a Federal employee or an employee of a contractor? (Check one.) (6)

   1. 100% Federal employee

   2. 0 Contractor employee -> Specify

      Contractor_____

2. How long was your last tour? (Check one.) (7)

   1. 0 Less than 14 days

   2. 100 14 to 30 days

   3. 0 31 to 60 days

   4. 0 61 to 90 days

   5. 0 Over 90 days

3. On how many different foreign fishing vessels did you perform observer duties during your last tour? (Enter number. If one enter 1.) (8)

   _____Number Vessels

4. How many transfers from one vessel to another at sea did you make during your last tour? (Enter number. If none, enter 0.) (9)

   16 Transfers--> If 0, SKIP TO 6.

5. How many of the transfers you made at sea during your last tour were made, in your opinion, under safe conditions? (Enter number. If none, enter 0) (10)

   10 Safe Transfers

   Total number of transfers = 16
   Number of safe transfers = 10
   Number of unsafe trasnfers = 6

BEST COPY AVAILABLE

APPENDIX III

LAST DETAIL

NOTE--> If you performed observer duties on more than one foreign vessel during your last tour answer questions 6 to 31 for your last detail only. Last detail refers to the last vessel on which you performed observer duties.

6. How long was your last detail as an observer on a foreign fishing vessel? Last detail refers to the last vessel on which you performed observer duties. (Check one.) (11)

1. 0 Less than 14 days
2. 73.9 14 to 30 days
3. 0 31 to 60 days
4. 0 61 to 90 days
5. 0 Over 90 days

26.1 No response

7. What type of vessel were you on for your last detail? (Check one.)

1. 0 Surimi mother ship (12)
2. 0 Freezer mother ship
3. 17.4 Small/Medium trawler
4. 34.8 Large freezer trawler
5. 0 Large Surimi trawler
6. 0 Longliner
7. 8.7 Joint venture mother ship
8. 17.4 Other (Specify.)

21.7 No response

8. How long was the last vessel on which you performed observer duties? (Enter length in feet or meters.)

_____Feet (13-16)

Mean = 68.1 Meters (17-20)

9. Was that vessel fishing as a joint venture, directed fishery, or both? (Check one.)

1. 13.0 Joint Venture (21)
2. 43.5 Directed Fishery
3. 13.0 Both

30.4 No response

10. On your last detail, what nation was the fishing vessel from? (Check one.)

1. 8.7 Japan (22)
2. 0 Korea
3. 0 USSR
4. 0 Taiwan
5. 0 West Germany
6. 13.0 Italy
7. 17.4 Spain
8. 0 Portugal
9. 13.0 Poland
10. 26.0 Other (Specify.)

21.7 No response

11. What geographic/fishery area was that vessel primarily fishing? (Check one.)

1. 0 Atlantic Billfish and Sharks (ABS) (23)
2. 0 Bering Sea and Aleutians (BSA)
3. 0 Gulf of Alaska
4. 69.6 Northwest Atlantic
5. 0 High Seas Salmon
6. 4.3 Seamount Groundfish
7. 0 Washington, Oregon, California (WOC)
8. 4.3 Other (Specify.)

21.7 No response

BEST COPY AVAILABLE

APPENDIX III

FISHING LAW VIOLATIONS

12. During your last detail (the last vessel on which you performed observer duties), did you attempt to contact NMFS or the USCG about potential fishing law violations? (Check one.)

1. 8.7 Yes (24)

2. 69.6 No ---> SKIP TO 18.
21.7 No response

13. On your last detail, about how many successful and unsuccessful attempts did you make to contact NMFS or USCG about potential fishing violations? (Enter number for each. If none, enter 0.)

6 Total Successful Attempts (25-26)

3 Total Unsuccessful Attempts (27-28)

--> IF ALL ATTEMPTS WERE SUCCESSFUL SKIP TO 15.

14. Which of the following factors contributed to your inability to make successful contact with NMFS or USCG? (Check all that apply.)

(29-34)

1. 0 Technical problems with your communication equipment

2. 0 Technical problems with NMFS or USCG communication equipment

3. 0 Weather

4. 0 Time of day

5. 0 Interference from ship captain or crew

6. 100 Other (Specify.) (91.3 No response)

_____

_____

15. Did any of your communications about potential fishing violations result in USCG boarding on your last detail? (Check one.)

1. 100 No -->SKIP TO 17. (35)

2. 0 Yes

16. When a USCG boarding occurred as a result of your communication about potential fishing violations, were there any instances when the USCG boarding party failed to consult with you about your observations of suspected violations? (Check one.)

1. 0 No (36)

2. 0 Yes --> Briefly explain the incident when you were not consulted.

17. Were any actions taken against the foreign vessel based upon communications you made while on board concerning fishing law violations? (Check one.)

1. 100 No (37)

2. 0 Yes

3. 0 Don't know

18. On your last detail did you record any potential violations in your Field Diary? (Check one.)

1. 21.7 Yes (38)

2. 56.5 No
21.7 No response

BEST COPY AVAILABLE

APPENDIX III

19. During your last detail, how many times, if ever, did you discuss potential fishing violations with the captain and/or fishing master? (Check one.)

1. 30.4 None (39)
2. 34.8 1-3 times
3. 13.0 4-6 times
4. 0 7-10 times
5. 0 Over 10 times

21.7 No response

20. How often, if ever, did the captain or fishing master take corrective actions after your discussion of a potential fishing violation? (Check one.)

1. 90.9 Always (40)
2. 9.1 Usually
3. 0 About half the time
4. 0 Sometimes
5. 0 Seldom, if ever

21. During your debriefing did you complete an Affidavit regarding any potential violation that occurred during your last detail? (Check one.)

1. 4.3 Yes (41)
2. 69.6 No
3. 0 Don't know

26.1 No response

HEALTH AND SAFTY

22. Overall, how would you rate the seaworthiness of the vessel you were on during your last detail? (Check one.)

1. 52.2 Very seaworthy (42)
2. 26.1 Generally seaworthy
3. 0 Generally unseaworthy
4. 0 Very unseaworthy
5. 0 No basis to judge

21.7 No response

23. Overall, how would you rate the competency of the captain, crew, and fishing master in handling and/or directing the operation of the vessel? (Check one for each.)

CAPTAIN

1. 43.5 Very good (43)
2. 26.1 Good
3. 8.7 Fair
4. 0 Poor
5. 0 Very poor
6. 0 No basis to judge

21.7 No response

CREW

1. 43.5 Very good (44)
2. 21.7 Good
3. 13.0 Fair
4. 0 Poor
5. 0 Very poor
6. 0 No basis to judge

21.1 No response

FISHING MASTER

1. 47.8 Very good (45)
2. 21.7 Good
3. 0 Fair
4. 0 Poor
5. 0 Very poor
6. 4.3 No basis to judge

26.1 No response

BEST COPY AVAILABLE

APPENDIX III

24. How adequate or inadequate was the condition of each of the following living facilities on board the last vessel you performed observer duties on in terms of sanitation and cleanliness? (Check one for each.)

Facilities	1. Very Adequate	2. Generally Adequate	3. Generally Inadequate	4. Very Inadequate	No response
1. Sleeping	52.2	26.1	0	0	21.7 (46)
2. Galley	47.8	30.4	0	0	21.7 (47)
3. Eating	52.2	26.1	0	0	21.7 (48)
4. Toilet	39.1	34.8	4.3	0	21.7 (49)
5. Bathing	34.8	39.1	4.3	0	21.7 (50)
6. Other (Spec.)	4.3	0	0	0	95.7 (51)

25. Overall, how would you rate the quality of the food on your last detail? (Check one.)

1. 21.7 Much more than adequate (52)
2. 34.8 Somewhat more than adequate
3. 17.4 Adequate
4. 4.3 Somewhat less than adequate
5. 0 Much less than adequate

21.7 No response

26. Did you have an adequate supply of sanitary drinking water during your last detail? (Check one.)

1. 69.6 Yes (53)
2. 8.7 No

21.7 No response

27. On your last detail, to what extent, if at all, did the captain, crew, or fishing master of the foreign vessel try to influence you by intimidation or other adverse actions? (Check one.)

1. 69.6 Not at all (54)
2. 8.7 Some extent
3. 0 Moderate extent
4. 0 Great extent
5. 0 Very great extent

21.7 No response

--> IF YOU CHECKED 2, 3, 4, or 5; BRIEFLY EXPLAIN HOW.

BEST COPY AVAILABLE

APPENDIX III

28. On your last detail, did you ever attempt to contact NMFS or USCG about unacceptable health/safety conditions or your personal safety? (Check one.)

1. 4.3 Yes (55)

2. 73.9 No ---> SKIP TO 31.
21.7 No response

29. On your last detail about how many successful and unsuccessful attempts did you make to contact NMFS or USCG about unacceptable health/safety conditions or your personal safety? (Enter number for each. If none, enter 0.)

20 Total Successful Attempts (56-57)

0 Unsuccessful Attempts (58-59)

--> IF NO SUCCESSFUL ATTEMPTS MADE SKIP TO 31.

30. As a result of these contacts, which of the following actions, if any, were taken? (Check all applicable.) (60-63))

1. 0 You were removed from vessel

2. 0 Action taken against vessel (Specify.)

_____

_____

3. 0 Other (Specify.)

_____

4. 0 No action taken

31. On your last detail, about what percentage of a typical day (24 hrs.) aboard the foreign fishing vessel was spent in each of the following activities? (Enter percent for each. If none, enter 0. Your best estimates are sufficient. Your response should total 100.)

	Mean%	
Biological Data Collection	13.7 %	(64-65)
Enforcement/ Compliance	22.9 %	(66-67)
Record-keeping/ Daily Log	19.4 %	(68-69)
NMFS Special Project(s)	6.7 %	(70-71)
Your Own Research	5.3 %	(72-73)
Recreation/ Sleep/ Personal	34.4 %	(74-75)
Other	1.4 %	(76-77)

BEST COPY AVAILABLE

APPENDIX III

TRAINING PROGRAM

32. When did you attend your first observer training course? (Check one.)

1. 47.8 Within last 6 months (78)

2. 17.4 6 - 12 mos. ago

3. 17.4 13-24 mos. ago

4. 17.4 Over 2 yrs. ago
   17.4 No response

33. How many people were in your first training course? (Check one.)

1. 34.8 less than 10 (79)

2. 52.2 11 to 25

3. 13.0 26 to 50

5. 0 more than 50

34. Other than your first NMFS observer training course, have you taken any other NMFS training?-Include any update or refresher training.-(Check one.)

1. 34.8 Yes (80)

2. 65.2 No

35. Did an experienced observer train you for some period of time on your first vessel detail? (Check one.)

1. 52.2 Yes (81)
   DUP (1-4)
2. 47.8 No 2 (5)

- CONTINUE ON NEXT PAGE -

BEST COPY AVAILABLE

APPENDIX III

36. Please indicate below whether or not the NMFS observer training you received (in class or on a vessel) covered each of the topics listed. If a topic was covered indicate whether you feel too much, too little, or the right amount of emphasis was placed on the topic. (Check one or two boxes for each.)

	Not Covered 1.	Covered 2.	No response	Too Much Emphasis 1.	About Right Emphasis 2.	Too Little Emphasis 3.	No response
1. Vessel safety	8.7	82.6	8.7	0	73.7	26.3	0 (6-7)
2. Sampling and estimating catch size	4.3	87.0	8.7	0	50.0	50.0	0 (8-9)
3. Species identification	0	87.0	13.0	0	65.0	35.0	0 (10-11)
4. Species and composition sampling	0	87.0	13.0	5.0	65.0	30.0	0 (12-13)
5. Prohibited species	0	87.0	13.0	5.0	80.0	15.0	0 (14-15)
6. Radio/telex communication procedures	8.7	82.6	8.7	0	63.2	26.3	10.5 (16-17)
7. Product recovery rate determinations	34.8	47.8	17.4	0	45.5	45.5	9.1 (18-19)
8. Biological data record keeping	0	82.6	17.4	0	84.2	15.8	0 (20-21)
9. Documenting suspected violations	0	87.0	13.0	0	80.0	15.0	5.0 (22-23)
10. Coast Guard Boarding Procedures	4.3	82.6	13.0	0	89.5	10.5	0 (24-25)
11. Foreign Fishing Laws/Regulations	0	87.0	13.0	45.0	45.0	10.0	0 (26-27)
12. Survival training	17.4	69.6	13.0	0	56.3	37.5	6.3 (28-29)
13. Foreign Culture	47.8	43.5	8.7	0	50.0	50.0	0 (30-31)
14. Life aboard the vessel	13.0	78.3	8.7	0	72.2	27.8	0 (32-33)
15. Interpersonal relations with crew	26.1	65.2	8.7	0	80.0	20.0	0 (34-35)
16. Other (Specify)	4.3	4.3	91.4	0	0	100.0	0 (36-37)

BEST COPY AVAILABLE

APPENDIX III

37. Overall, how would you rate the usefulness of the observer training you have received to date in preparing to perform duties as an observer? (Check one.)

1. 13.0 Very great use (38)
2. 34.8 Great use
3. 39.1 Moderate use
4. 8.7 Some use
5. 4.3 Little or no use

38. Consider your day-to-day duties as an observer on board the vessel. To what extent, if at all, has the observer training you have received and the background and experience you had before becoming an observer helped prepare you to perform your day-to-day observer duties? (Check one for <u>each</u>.)

OBSERVER TRAINING

1. 8.7 Very great extent (39)
2. 39.1 Great extent
3. 34.8 Moderate extent
4. 13.0 Some extent
5. 4.3 Little /no extent

PREVIOUS BACKGROUND/EXPERIENCE

1. 26.1 Very great extent (40)
2. 34.8 Great extent
3. 30.4 Moderate extent
4. 8.7 Some extent
5. 0 Little /no extent

39. Overall, how would you rate the importance of each of the following roles you play as an observer? (Check one for <u>each</u>.)

1. Collecting biological data for fishery management and research

1. 13.0 Very great importance (41)
2. 30.4 Great importance
3. 30.4 Moderate importance
4. 26.1 Some importance
5. 0 Little or no importance

2. Identifying foreign fishing violations

1. 52.2 Very great importance (42)
2. 43.5 Great importance
3. 0 Moderate importance
4. 4.3 Some importance
5. 0 Little or no importance

40. Briefly explain your answer to question 39.

BEST COPY AVAILABLE

APPENDIX III

41. Overall, how would you rate the quality of the biological data that are collected through the observer program? (Check one.)

1. 21.7 Very good (43)
2. 30.4 Good
3. 34.8 Fair
4. 8.7 Poor
5. 4.3 Very poor

42. In your opinion, how effective or ineffective is the observer program in detecting foreign fishing violations? (Check one.)

1. 56.5 Very effective (44)
2. 34.8 Generally effective
3. 0 Can't say
4. 8.7 Generally ineffective
5. 0 Very ineffective

43. In your opinion, what portion of the fishing violations observed by U.S. observers are actually reported by the observers? (Check one.)

1. 47.8 All or almost all (45)
2. 43.5 Most
3. 4.3 About half
4. 0 Some (40% - 20%)
5. 4.3 Few (Less than 20%)

44. Will you be making another tour as a U.S. observer? (Check one.)

1. 91.3 Definitely yes (46)
2. 8.7 Probably yes
3. 0 Uncertain
4. 0 Probably no
5. 0 Definitely no

45. Would you recommend the observer job to a qualified friend? (Check one.)

1. 43.5 Definitely yes (47)
2. 17.4 Probably yes
3. 30.4 Uncertain
4. 0 Probably no
5. 8.7 Definitely no

46. Including this last tour of duty as an observer, how many tours have you had as an observer on a foreign fishing vessel? (Enter number.)

Mean = 8.5

_____Tours (48-49)

47. About how many years experience do you have in the commercial fishing industry (fishing vessel owner, operator or crew or cannery experience)? (Check one.)

1. 52.2 None (50)
2. 21.7 Less than 2 years
3. 13.0 Between 2 and 5 years
4. 13.0 Over 5 years

48. Other than your observer experience, do you have any fishery, biology, or related science research experience in the following sectors? (Check one for each.)

	YES 1	NO 2.		No response
1. Federal government	39.1	43.5	(51)	17.4
2. State government	30.4	39.1	(52)	30.4
3. Private industry	21.7	39.1	(53)	39.1
4. Private non-profit	13.0	39.1	(54)	47.8
5. Other (Specify.) _____	39.1	8.7	(55)	52.2

BEST COPY AVAILABLE

APPENDIX III

49. Do you have any college level training in fishery biology, or related science? (Check one.)

1. 13.0 No (56)

2. 78.3 Yes ---> Please provide your educational background below.

8.7 No response

Degree	Date	Field
_____	_____	_____
_____	_____	_____
_____	_____	_____

COMMENTS

50. If you encountered any problems during your last tour that have not been covered in this questionnaire please describe them below. If you were detailed on more than one vessel during your last tour, please feel free to discuss any of your experiences here.

21.7 commented

51. If you have any additional comments about the observer program, especially concerning aspects of the program you feel should be changed, please enter them below.

43.5 commented

BEST COPY AVAILABLE

APPENDIX IV

U.S. GENERAL ACCOUNTING OFFICE
SURVEY OF U.S. OBSERVERS IN THE
FOREIGN FISHING VESSEL OBSERVER PROGRAM

WEST COAST OBSERVERS
N=135

The U.S. General Accounting Office (GAO) is the independent agency of the Congress responsible for evaluating Federal programs. At the request of the Subcommittee on Fisheries, Wildlife, Conservation and the Environment, we are conducting a review of the Foreign Fishing Vessel Observer Program (FFVOP). The results of our review will be reported to the Congress.

An important part of our review involves obtaining information about the views and experiences of U.S. Observers. We are asking all Observers going through debriefing during the period March through May 1984 to complete this questionnaire.

There is no need for you to sign or put your name on the questionnaire. Responses will be reported in summary form. We will make no attempt to identify individual responses. Your response is confidential and will be seen only by GAO staff National Marine Fisheries Service (NMFS) staff will not see your individual responses.

Please complete the questionnaire before leaving the debriefing, seal it in the envelope attached, and deposit it in the box labled GAO OBSERVER SURVEY.

If you have any questions or comments concerning the survey you can call Tom Slomba, on FTS - 275-3578 or 275-8764, or collect on (202) 275-3578 or 275-8764.

Thank you for your help.

ABBREVIATIONS

NMFS - National Marine Fisheries Service

USCG - United States Coast Guard

LAST TOUR

1. On your last tour as an observer, were you a Federal employee or an employee of a contractor? (Check one.) (6)

   1. 1% Federal employee

   2. 99% Contractor employee -> Specify

      Contractor_____

2. How long was your last tour? (Check one.) (7)

   1. 7.4 Less than 14 days

   2. 25.2 14 to 30 days

   3. 46.7 31 to 60 days

   4. 14.8 61 to 90 days

   5. 5.9 Over 90 days

3. On how many different foreign fishing vessels did you perform observer duties during your last tour? (Enter number. If one enter 1.)
   Mean = 1.3 (8)
   _____Number Vessels

4. How many transfers from one vessel to another at sea did you make during your last tour? (Enter number. If none, enter 0.) (9)
   205 Transfers--> If 0, SKIP TO 6.

5. How many of the transfers you made at sea during your last tour were made, in your opinion, under safe conditions? (Enter number. If none, enter 0) (10)
   198 Safe Transfers

   Total number of transfers = 205
   Number safe transfers = 198
   Number unsafe transfers = 7
   % Safe = 97%

BEST COPY AVAILABLE

APPENDIX IV

LAST DETAIL

NOTE--> If you performed observer duties on more than one foreign vessel during your last tour answer questions 6 to 31 for your last detail only. Last detail refers to the last vessel on which you performed observer duties.

6. How long was your last detail as an observer on a foreign fishing vessel? Last detail refers to the last vessel on which you performed observer duties. (Check one.) (11)

1. 12.6 Less than 14 days
2. 34.1 14 to 30 days
3. 40.0 31 to 60 days
4. 7.4 61 to 90 days
5. 3.0 Over 90 days

3.0 No response

7. What type of vessel were you on for your last detail? (Check one.)

1. 0 Surimi mother ship (12)
2. 0 Freezer mother ship
3. 46.7 Small/Medium trawler
4. 8.1 Large freezer trawler
5. 2.2 Large Surimi trawler
6. 8.1 Longliner
7. 26.7 Joint venture mother ship
8. 3.7 Other (Specify.)

4.4 No response

8. How long was the last vessel on which you performed observer duties? (Enter length in feet or meters.)

_____ Feet (13-16)

Mean = 64.9 Meters (17-20)

9. Was that vessel fishing as a joint venture, directed fishery, or both? (Check one.)

1. 26.7 Joint Venture (21)
2. 55.6 Directed Fishery
3. 10.4 Both

7.4 No response

10. On your last detail, what nation was the fishing vessel from? (Check one.)

1. 50.4 Japan (22)
2. 29.6 Korea
3. 13.3 USSR
4. 2.2 Taiwan
5. .7 West Germany
6. 0 Italy
7. 0 Spain
8. 0 Portugal
9. 0 Poland
10. 1.5 Other (Specify.)

2.2 No response

11. What geographic/fishery area was that vessel primarily fishing? (Check one.)

1. 0 Atlantic Billfish and Sharks (ABS) (23)
2. 72.6 Bering Sea and Aleutians (BSA)
3. 16.3 Gulf of Alaska
4. 0 Northwest Atlantic
5. 0 High Seas Salmon
6. 0 Seamount Groundfish
7. 2.2 Washington, Oregon, California (WOC)
8. 3.7 Other (Specify.)

5.2 No response

BEST COPY AVAILABLE

APPENDIX IV

FISHING LAW VIOLATIONS

12. During your last detail (the last vessel on which you performed observer duties), did you attempt to contact NMFS or the USCG about potential fishing law violations? (Check one.)

1. 4.4 Yes (24)

2. 92.6 No ---> SKIP TO 18.
3.0 No response

13. On your last detail, about how many successful and unsuccessful attempts did you make to contact NMFS or USCG about potential fishing violations? (Enter number for each. If none, enter 0.)

6 Successful Attempts (25-26)

1 Unsuccessful Attempts (27-28)

--> IF ALL ATTEMPTS WERE SUCCESSFUL SKIP TO 15.

14. Which of the following factors contributed to your inability to make successful contact with NMFS or USCG? (Check all that apply.)

(29-34)

1. 0 Technical problems with your communication equipment (99.3 No response)
2. 0 Technical problems with NMFS or USCG communication equipment
3. 0 Weather
4. 0 Time of day
5. 0 Interference from ship captain or crew (99.3 No response)
6. 100 Other (Specify.) (99.3 No response)

_____

_____

15. Did any of your communications about potential fishing violations result in USCG boarding on your last detail? (Check one.)

1. 16.7 No -->SKIP TO 17. (35)

2. 83.3 Yes

16. When a USCG boarding occurred as a result of your communication about potential fishing violations, were there any instances when the USCG boarding party failed to consult with you about your observations of suspected violations? (Check one.)

1. 100 No (36)

2. 0 Yes --> Briefly explain the incident when you were not consulted.

17. Were any actions taken against the foreign vessel based upon communications you made while on board concerning fishing law violations? (Check one.)

1. 50.0 No (37)

2. 50.0 Yes

3. 0 Don't know

18. On your last detail did you record any potential violations in your Field Diary? (Check one.)

1. 35.6 Yes (38)

2. 57.8 No
6.7 No response

BEST COPY AVAILABLE

APPENDIX IV

19. During your last detail, how many times, if ever, did you discuss potential fishing violations with the captain and/or fishing master? (Check one.)

1. 46.7 None (39)
2. 40.0 1-3 times
3. 8.9 4-6 times
4. .7 7-10 times
5. .7 Over 10 times
   3.0 No response

20. How often, if ever, did the captain or fishing master take corrective actions after your discussion of a potential fishing violation? (Check one.)

1. 60.3 Always (40)
2. 16.2 Usually
3. 2.9 About half the time
4. 5.9 Sometimes
5. 13.2 Seldom, if ever
   1.5 No response

21. During your debriefing did you complete an Affidavit regarding any potential violation that occurred during your last detail? (Check one.)

1. 11.1 Yes (41)
2. 83.7 No
3. 2.2 Don't know
   3.0 No response

HEALTH AND SAFTY

22. Overall, how would you rate the seaworthiness of the vessel you were on during your last detail? (Check one.)

1. 65.2 Very seaworthy (42)
2. 31.1 Generally seaworthy
3. 0 Generally unseaworthy
4. 0 Very unseaworthy
5. 1.5 No basis to judge
   2.2 No response

23. Overall, how would you rate the competency of the captain, crew, and fishing master in handling and/or directing the operation of the vessel? (Check one for <u>each</u>.)

CAPTAIN

1. 59.3 Very good (43)
2. 25.9 Good
3. 8.1 Fair
4. 3.0 Poor
5. 0 Very poor
6. 1.5 No basis to judge
   2.2 No response

CREW

1. 52.6 Very good (44)
2. 33.3 Good
3. 8.9 Fair
4. .7 Poor
5. .7 Very poor
6. 1.5 No basis to judge
   2.2 No response

FISHING MASTER

1. 45.2 Very good (45)
2. 21.5 Good
3. 10.4 Fair
4. 1.5 Poor
5. .7 Very poor
6. 12.6 No basis to judge
   8.1 No response

BEST COPY AVAILABLE

APPENDIX IV

24. How adequate or inadequate was the condition of each of the following living facilities on board the last vessel you performed observer duties on in terms of sanitation and cleanliness? (Check one for each.)

Facilities	1. Very Adequate	2. Generally Adequate	3. Generally Inadequate	4. Very Inadequate	No response
1. Sleeping	64.4	31.9	1.5	0	2.2 (46)
2. Galley	56.3	32.6	7.4	1.5	2.2 (47)
3. Eating	56.3	27.4	11.9	2.2	2.2 (48)
4. Toilet	43.7	43.0	8.1	3.0	2.2 (49)
5. Bathing	41.5	39.3	11.1	5.9	2.2 (50)
6. Other (Spec.)	3.7	3.0	.7	3.7	88.9 (51)

25. Overall, how would you rate the quality of the food on your last detail? (Check one.)

1. 40.0 Much more than adequate (52)
2. 22.2 Somewhat more than adequate
3. 18.5 Adequate
4. 12.6 Somewhat less than adequate
5. 3.7 Much less than adequate
   3.0 No response

26. Did you have an adequate supply of sanitary drinking water during your last detail? (Check one.)

1. 84.4 Yes (53)
2. 13.3 No
   2.2 No response

27. On your last detail, to what extent, if at all, did the captain, crew, or fishing master of the foreign vessel try to influence you by intimidation or other adverse actions? (Check one.)

1. 71.1 Not at all (54)
2. 16.3 Some extent
3. 5.9 Moderate extent
4. 2.2 Great extent
5. 2.2 Very great extent
   2.2 No response

--> IF YOU CHECKED 2, 3, 4, or 5: BRIEFLY EXPLAIN HOW.

BEST COPY AVAILABLE

APPENDIX IV

28. On your last detail, did you ever attempt to contact NMFS or USCG about unacceptable health/safety conditions or your personal safety? (Check one.)

1. 1.5 Yes (55)

2. 96.3 No ---> SKIP TO 31.
2.2 No response

29. On your last detail about how many successful and unsuccessful attempts did you make to contact NMFS or USCG about unacceptable health/safety conditions or your personal safety? (Enter number for <u>each</u>. If <u>none</u>, enter 0.)

Mean = .174

4 Successful Attempts (56-57)

0 Unsuccessful Attempts (58-59)

--> IF NO SUCCESSFUL ATTEMPTS MADE SKIP TO 31.

30. As a result of these contacts, which of the following actions, if any, were taken? (Check all applicable.) (60-63))

1. 1.2 You were removed from vessel

2. 0 Action taken against vessel (Specify.)

_____

_____

3. 0 Other (Specify.)

_____

4. 0 No action taken

31. On your last detail, about what percentage of a typical day (24 hrs.) aboard the foreign fishing vessel was spent in each of the following activities? (Enter percent for <u>each</u>. If <u>none</u>, enter 0. Your best estimates are sufficient. Your response should total 100.)

	Mean	
Biological Data Collection	34.2 %	(64-65)
Enforcement/ Compliance	4.5 %	(66-67)
Record-keeping/ Daily Log	15.8 %	(68-69)
NMFS Special Project(s)	5.9 %	(70-71)
Your Own Research	1.8 %	(72-73)
Recreation/ Sleep/ Personal	36.9 %	(74-75)
Other	6.2 %	(76-77)

BEST COPY AVAILABLE

APPENDIX IV

TRAINING PROGRAM

32. When did you attend your first observer training course? (Check one.)

1. 71.1 Within last 6 months (78)

2. 14.1 6 - 12 mos. ago

3. 8.9 13-24 mos. ago

4. 3.0 Over 2 yrs. ago
2.9 No response

33. How many people were in your first training course? (Check one.)

1. 3.7 less than 10 (79)

2. 13.3 11 to 25

3. 78.5 26 to 50

5. 3.0 more than 50
1.5 No response

34. Other than your first NMFS observer training course, have you taken any other NMFS training?-Include any update or refresher training.-(Check one.)

1. 18.5 Yes (80)

2. 78.5 No
3.0 No response

35. Did an experienced observer train you for some period of time on your first vessel detail? (Check one.)

1. 27.4 Yes (81)
DUP (1-4)
2. 71.1 No 2 (5)
1.5 No response

- CONTINUE ON NEXT PAGE -

BEST COPY AVAILABLE

APPENDIX IV

36. Please indicate below whether or not the NMFS observer training you received (in class or on a vessel) covered each of the topics listed. If a topic was covered indicate whether you feel too much, too little, or the right amount of emphasis was placed on the topic. (Check one or two boxes for each.)

	Not Covered 1.	Covered 2.	No response	Too Much Emphasis 1.	About Right Emphasis 2.	Too Little Emphasis 3.	No response
1. Vessel safety	0	92.6	7.4	3.2	87.2	8.8	.8 (6-7)
2. Sampling and estimating catch size	0	96.2	7.4	4.0	81.6	13.6	.8 (8-9)
3. Species identification	0	91.9	8.2	8.1	58.9	31.5	1.6 (10-11)
4. Species and composition sampling	0	92.6	7.4	2.4	85.7	11.1	.8 (12-13)
5. Prohibited species	0	92.6	7.4	4.0	88.9	5.6	1.6 (14-15)
6. Radio/telex communication procedures	4.4	88.1	7.4	.8	71.4	26.1	1.7 (16-17)
7. Product recovery rate determinations	.7	91.1	8.1	2.4	61.8	33.3	2.4 (18-19)
8. Biological data record keeping	0	91.1	8.8	5.6	84.6	7.3	2.4 (20-21)
9. Documenting suspected violations	1.5	90.4	8.1	7.4	63.9	27.9	.8 (22-23)
10. Coast Guard Boarding Procedures	2.2	89.6	8.1	9.1	83.5	5.8	1.7 (24-25)
11. Foreign Fishing Laws/Regulations	3.0	89.6	7.4	7.4	58.7	29.8	4.1 (26-27)
12. Survival training	20.7	71.1	8.1	2.1	57.3	37.5	3.1 (28-29)
13. Foreign Culture	22.2	69.6	8.1	1.1	55.3	40.4	3.2 (30-31)
14. Life aboard the vessel	2.2	90.4	7.4	3.3	77.0	14.8	4.9 (32-33)
15. Interpersonal relations with crew	5.9	86.7	7.4	6.8	70.9	18.8	3.5 (34-35)
16. Other (Specify)	8.1	6.7	85.2	22.2	0	77.8	0 (36-37)

BEST COPY AVAILABLE

APPENDIX IV

37. Overall, how would you rate the usefulness of the observer training you have received to date in preparing to perform duties as an observer? (Check one.)

1. 18.5 Very great use (38)
2. 53.3 Great use
3. 24.4 Moderate use
4. 2.2 Some use
5. 0 Little or no use

1.5 No response

38. Consider your day-to-day duties as an observer on board the vessel. To what extent, if at all, has the observer training you have received and the background and experience you had before becoming an observer helped prepare you to perform your day-to-day observer duties? (Check one for each.)

OBSERVER TRAINING

1. 18.5 Very great extent (39)
2. 43.7 Great extent
3. 30.4 Moderate extent
4. 5.9 Some extent
5. 0 Little /no extent

1.5 No response

PREVIOUS BACKGROUND/EXPERIENCE

1. 14.8 Very great extent (48)
2. 38.5 Great extent
3. 26.7 Moderate extent
4. 11.9 Some extent
5. 6.7 Little /no extent

1.5 No response

39. Overall, how would you rate the importance of each of the following roles you play as an observer? (Check one for each.)

1. Collecting biological data for fishery management and research

1. 60.0 Very great importance (41)
2. 29.6 Great importance
3. 5.9 Moderate importance
4. 3.0 Some importance
5. 0 Little or no importance

1.5 No response

2. Identifying foreign fishing violations

1. 17.8 Very great importance (42)
2. 31.1 Great importance
3. 31.9 Moderate importance
4. 11.9 Some importance
5. 5.2 Little or no importance

2.2 No response

48. Briefly explain your answer to question 39.

BEST COPY AVAILABLE

APPENDIX IV

41. Overall, how would you rate the quality of the biological data that are collected through the observer program? (Check one.)

1. 29.6 Very good (43)
2. 54.1 Good
3. 11.1 Fair
4. .7 Poor
5. 0 Very poor
4.4 No response

42. In your opinion, how effective or ineffective is the observer program in detecting foreign fishing violations? (Check one.)

1. 12.6 Very effective (44)
2. 57.0 Generally effective
3. 24.0 Can't say
4. 3.0 Generally ineffective
5. .7 Very ineffective
2.2 No response

43. In your opinion, what portion of the fishing violations observed by U.S. observers are actually reported by the observers? (Check one.)

1. 20.0 All or almost all (45)
2. 51.1 Most
3. 16.3 About half
4. 5.9 Some (40% - 20%)
5. .7 Few (Less than 20%)
5.9 No response

44. Will you be making another tour as a U.S. observer? (Check one.)

1. 17.0 Definitely yes (46)
2. 40.0 Probably yes
3. 30.4 Uncertain
4. 7.4 Probably no
5. 1.5 Definitely no
3.7 No response

45. Would you recommend the observer job to a qualified friend? (Check one.)

1. 51.1 Definitely yes (47)
2. 37.0 Probably yes
3. 5.9 Uncertain
4. 2.2 Probably no
5. 1.5 Definitely no
2.2 No response

46. Including this last tour of duty as an observer, how many tours have you had as an observer on a foreign fishing vessel? (Enter number.)

Mean = 1.6

_____Tours (48-49)

47. About how many years experience do you have in the commercial fishing industry (fishing vessel owner, operator or crew or cannery experience)? (Check one.)

1. 66.7 None (50)
2. 13.3 Less than 2 years
3. 14.8 Between 2 and 5 years
4. 3.0 Over 5 years
2.2 No response

48. Other than your observer experience, do you have any fishery, biology, or related science research experience in the following sectors? (Check one for each.)

	YES 1.	NO 2.		No response
1. Federal government	43.7	44.4	(51)	11.9
2. State government	45.9	39.3	(52)	14.8
3. Private industry	27.4	51.9	(53)	20.7
4. Private non-profit	25.9	49.6	(54)	24.4
5. Other (Specify.)	18.5	23.0	(55)	58.5

BEST COPY AVAILABLE

APPENDIX IV

49. Do you have any college level training in fishery biology, or related science? (Check one.)

1. 5.9 No (56)

2. 90.4 Yes ---> Please provide your educational background below.

3.7 No response

Degree	Date	Field
_____	_____	_____
_____	_____	_____
_____	_____	_____

COMMENTS

50. If you encountered any problems during your last tour that have not been covered in this questionnaire please describe them below. If you were detailed on more than one vessel during your last tour, please feel free to discuss any of your experiences here.

20.7 commented

51. If you have any additional comments about the observer program, especially concerning aspects of the program you feel should be changed, please enter them below.

54.1 commented

(082131)

BEST COPY AVAILABLE